

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF DECEMBER 30, 2002

(Published January 7 2003, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
December 30, 2002 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Colvin Roy, Zimmermann, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Johnson, President Ostrow.

Absent - Schiff.

Lilligren moved acceptance of the minutes of the regular meeting held December 13, 2002. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COORDINATOR (268440)

Focus Minneapolis Initiative: Receive and File Status Report.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268441)

North Nicollet Mall Advisory Board: Resolution establishing advisory board.

Heritage Park Project: Amend agreement with McCormack Baron & Associates, Inc.

Minneapolis Affordable Housing Trust Fund: Refer to Strategic Planning process the proposed resolution establishing a trust fund.

COUNCIL MEMBER GOODMAN (268442)

Trust for Public Land Application for Anwatin Woods site in Bryn Mawr Neighborhood: Resolution supporting environmental grant application submitted to Hennepin County.

PLANNING COMMISSION/DEPARTMENT (268443)

Minneapolis Arts Commission: Approve Appointments and Reappointments.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

ARTS COMMISSION (268444)

Art in Public Places Program: Approve process for final acceptance of 28 artworks commissioned by the City and execute maintenance agreements.

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268445)

Heritage Park, Phase II: Appropriate funds for site preparation.

Tax Increment Financing State Audit: Approve response to comments from Office of State Auditor.

Downtown East Light Rail Transit Station Plaza: Reject all Bids.

COORDINATOR (268446)

Development-Related City Advisory Boards: Approve streamlining boards.

FINANCE DEPARTMENT (268446.1)

Laurel Village Project: Issuance of general obligation tax increment refunding bonds.

PLANNING COMMISSION/DEPARTMENT (268447)

Marcy-Holmes Neighborhood Gateway: Amend contract with Aldo Moroni for creation of gateway.

Mosaic, Celebrating the Arts and Cultures in Minneapolis Event: Approve City involvement.

HEALTH AND HUMAN SERVICES:

METROPOLITAN URBAN INDIAN DIRECTORS (268448)

American Indian Community: Subject matter of demands made by Metropolitan Urban Indian Directors to City Council November 22, 2002.

HEALTH AND HUMAN SERVICES (See Rep):

CIVIL RIGHTS (268449)

Civilian Review Authority Redesign Plan: Approve Redesign Plan Alternative 1 to include option for evidentiary hearing to include subpoena power; and Direct City Attorney staff to begin drafting an ordinance based on Alternative 1.

HEALTH AND FAMILY SUPPORT SERVICES (268450)

Public Health Emergency Preparedness Services: Execute contract with Hennepin County to develop and implement county-wide Public Health Emergency Preparedness Plan.

First Opportunity Program at Folwell Middle School: Execute Modification #3 to Juvenile Justice Title V Grant Agreement to increase funding by \$50,000.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (268451)

"No Shots No School" Program: Execute Amendment #2 to Contract with Healthy Learners Board to receive additional \$25,000 to fund cost of nurse to provide immunizations through New Family Center.

INTERGOVERNMENTAL RELATIONS (See Rep):

ATTORNEY (268451.1)

Charter Amendment: Proposed amendment to Chapter 3, Section 22 of the Minneapolis City Charter relating to interest in contracts.

INTERGOVERNMENTAL RELATIONS (268452)

City of Mpls 2003 Legislative Agenda, w/Attachment.

Lockridge Grindal & Nauen, PLLP: Extension of contract for federal intergovernmental relations consulting services.

LICENSES AND CONSUMER SERVICES (268453)

GLOBE: Mission to Planet Earth: Resolution of support in relocating program from Washington, DC to Mpls.

PUBLIC SAFETY AND REGULATORY SERVICES:

HUMAN RESOURCES (268454)

Americans with Disabilities Act Coordination: Transfer of ADA Coordinator responsibilities from John Bergquist, Assistant City Coordinator for Operations & Regulatory Services to George Caldwell, Director of Employment Services of Human Resources Department.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

INSPECTIONS DEPARTMENT (268455)

Rental Dwelling License at 2025 Emerson Av N: Concur with Rental Licensing Board of Appeals to revoke license held by Stephen D. Farrell for failure to comply with licensing standard of conduct on licensed premises.

Rental Dwelling License at 2211 Bryant Av N: Concur with Director of Inspections to revoke license held by Howard Gangestad for failure to comply with licensing standard of conduct on licensed premises.

LICENSES AND CONSUMER SERVICES (268456)

Drink (26 N 5th St): Grant On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Yellow Taxi Service Company (2657 32nd Av S): Grant Provisional Taxicab Service License, subject to conditions.

La Poblanita (1617 E Lake St): Grant Grocery, Food Manufacturer and Meat Market Licenses, subject to conditions.

Angel's Pizza (805 E 38th St): Grant Restaurant License, subject to conditions.

Floating World Cafe (3011 27th Av S): Grant Restaurant License, subject to conditions.

Lodging House at 2920 15th Av S: Grant Lodging House License to be held by Margaret Spangler; and Grant variance to allow cooking and microwaves.

POLICE DEPARTMENT (268457)

Youth Access to Alcohol Compliance Checks: Staff Direction to establish working Task Force to spend six months discussing youth access to alcohol and compliance.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

POLICE DEPARTMENT (268458)

COPS Methamphetamine Grant: Accept grant award of \$266,860 and execute grant agreement with United States Department of Justice, Office of Community Oriented Policing Services, to combat methamphetamine trafficking and use in Minneapolis; and Approve appropriation of grant funds to Police Department.

State Juvenile Justice Advisory Committee Grant: Accept grant award of \$20,136 and execute grant agreement with Minnesota Department of Economic Security to fund the sub-recipient Walker Community Methodist Church Neighbor to Neighbor Youth Family Group Conferencing Program; and Approve appropriation of grant funds to Police Department.

Police Athletic League: Amend contract with Police Athletic League to extend contract period to coincide with grant funding to support development of after-school program.

REGULATORY SERVICES (268459)

Implementation of Development Services Interim One-Stop Shop: Approve recommendations relating to staffing, space, parking, system and data quality tools to support integrated business process, and progress reports to implement the interim One-Stop Shop by June 1, 2003.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

COUNCIL MEMBER (268460)

Nicollet Mall Advisory Board: Approve appointments.

PUBLIC WORKS AND ENGINEERING (268461)

Ordinance Amend Title 5, Chapter 95.60: Relating to areaways.

48th St E & Chicago Av S Special Service District: Approve appointments.

Easement Agreements: Execute agreement w/Metropolitan Council for LRT communications bungalow.

Maintenance Agreement: Agreement with Metropolitan Council for inspection & maintenance of a private fire hydrant at 835 17th Av S.

Combined Sewer Overflow: Authorize execute an amendment to Memorandum of Understanding with the Metropolitan Council to increase cost of joint study.

PUBLIC WORKS AND ENGINEERING (268462)

Traffic conditions: Removal of barriers & traffic control changes near McNair, Penn & Broadway Aves N.

Asphalt Plant: Update.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (268463)

Parking Signs: Authorize to amend existing, or create new, lease agreements for the "P" signs on the City's right of way.

Pump Station #5 discharge header: Execute change order with Shank Contractors, Inc. for replacement and extend time period.

6024 Harriet Av S: Execute change order with CM Construction Company for facility and site improvements.

Downtown LRT Parking Ramp Project: Execute change orders 1 through 13, with Penn-Co Construction.

Third Precinct Facility Project: Execute contract with RSP Architects for architectural/engineering services.

70 MGD Ultrafiltration Plant (Columbia Height Filtration Plant): Extend contract with engineering firms headed by HDR Engineering, Inc. to December 31, 2003.

Bid: OP #5991 by Aspen Aerials, Inc. for an under bridge inspection vehicle.

PUBLIC WORKS AND ENGINEERING (268464)

Water Infrastructure Security Grant: Approve appropriation to be received by Minneapolis Water Works for its Security Program.

Huron Boulevard at Fulton St SE, Special Improvement of Existing Street #6680: Authorize adjustments to Capital Improvement Appropriation Resolution of 2002 for intersection redesign.

Bid: OP #5965 by Veit & Company for Heritage Park Phase I group A park improvement and storm water treatment.

4201 Cedar Av S (old Fire Station 13): Authorize method of sale for City-owned property.

WAYS AND MEANS BUDGET:

COORDINATOR (268465)

New Central Library Project: Construction change management actions.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (268466)

Gift from the Estate of Margaret A Moore: Accept funds from the Last Will and Testament of Margaret A. Moore to be used for emergency relief.

Legal Settlements: Claims of Wajda and L & L Towing and Tyrone Robinson.

FINANCE DEPARTMENT (268467)

GASB34 Project: Authorize fourth quarter spending for contract services and increase contract with Deloitte & Touche.

Financial Management Policies: Updated policies.

GRANTS AND SPECIAL PROJECTS (268468)

Grants for Winchell Trail Project: Rescind previous action accepting grant from Department of Natural Resources to recognize that the grant funds were received directly by the Minneapolis Park and Recreation Board.

HUMAN RESOURCES (268469)

Reclassification of Fire Chief Position: Approve reclassification to new title of Chief, Fire and Emergency Preparedness and approve reclassification of incumbent to position.

Appointed and Non-Represented Positions: Rescind previous action approving wage adjustments for 2003-2005.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (268470)

Contracts: Extend contract with Bentley Systems, ESRI Corporation and Praeses Corporation for completion of ITS projects.

ITS Technology Operations Outsourcing Proposal: Negotiate and execute a managed services contract with Unisys.

POLICE DEPARTMENT (268471)

Investigator Services: Amend contract with Hennepin County to receive reimbursement of the cost of providing investigator services in 2002 and execute contract for provision of the same for 2003.

TELECOMMUNICATIONS (268471.1)

Time Warner Cable Transfer: Agreement to extend deadline for consideration of Time Warner's application for transfer of the Minneapolis Cable Communications Franchise

ZONING AND PLANNING:

PLANNING COMMISSION/DEPARTMENT (268472)

Rezoning:

Luis Caire, for Los Amigos Building (2743-46 Blaisdell Ave S, 109 & 115 - 28th St W vacant lots to the south).

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (268473)

Appeal:

Dorothy Bridges (525 Washington Ave N): Appeal from decision denying variance for Franklin Bank sign.

Rezoning:

Aftercare, Inc (3045-47 - 5th Ave S);

Central Community Housing Trust (620-10th Ave).

City Service District Boundaries: Direction to staff to set up staff team.

PLANNING COMMISSION:

CALHOUN SQUARE ASSOC (268474)

Permission to vacate Girard Av south of Lake St.

MOTIONS:

ATTORNEY (268474.1)

Workers Compensation: Third quarter of 2002 expenses.

FILED:

CITY CLERK/SPECIAL PERMITS (268475)

2nd St NE, 1700 (East Side Neighborhood Assn) horses;

4th Av S, 625 (Nordquist Sign) sign;

12th Av S, 2735 (Michael Weir) move garage;

34th Av S, 4930 (U S Bank) sign;

44th Av N from Humboldt to Penn/Osseo (Holiday on 44th Av) horses;

44th St between Drew & Ewing S (Gear Running Store) tent;

61st St W, 601 (Topline Advertising) sign;

Broadway W, 1127 (Dennis Mellem) sign;

Cedar Lake Rd S, 411 (Bryn Mawr Neighborhood) horses;

Chicago Av S, 4554 (Suburban Lighting); sign;

Chicago Av S, 5150 (Signcrafters Inc) sign;

Hennepin & Lake area (Uptown Assn) horses;

Kenilworth Pl, 2700 (Maggie Kuusisto) horses;

Milwaukee Depot (John C Block) horses;

Minnehaha Pkwy E, 2401 (John M Bell) horses;

Nicollet Mall (John C Block) horses;

Plymouth Av N, 1710 (Pajor Graphics Inc) sign.

REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev - Your Committee recommends approval to establish an advisory board that will include owners or occupants of real property located in or adjacent to the proposed North Nicollet Mall Development District to advise the City on issues such as planning, construction and implementation of the development program and also on maintenance and operation of the development district.

Your Committee further recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage and summary publication of the accompanying Resolution creating said advisory board for the proposed North Nicollet Mall Development District.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-486, Creating an advisory board to advise the City on planning, construction, and implementation of the development program and for maintenance and operation of the proposed North Nicollet Mall Development District, was passed December 30, 2002 by the City Council and approved January 2, 2003 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2002R-486

By Goodman

Creating an advisory board for the sole purpose of advising the governing body on the planning, construction, and implementation of the development program for the proposed North Nicollet Mall Development District.

Whereas, Minnesota Laws 1980, Chapter 595 as amended, authorized the City Council ("City Council") for the City of Minneapolis (the "City") to establish an independent development and redevelopment agency, corporate and politic, upon adoption of an ordinance by the City Council; and

Whereas, the City Council did establish said independent development and redevelopment agency upon the adoption of Chapter 422, City of Minneapolis Code of Ordinances as amended, and named said agency the Minneapolis Community Development Agency (MCDA); and

Whereas, as authorized by Minnesota Laws 1980, Chapter 595, Section 3, Subdivision 1, the City Council, by adopting Chapter 422, City of Minneapolis Code of Ordinances as amended, did grant to the MCDA authority to exercise any of the powers presently or herein after granted by various development and redevelopment statutes including Minnesota Statutes, Sections 469.124 through 469.134 (the "Development District Act"); and

Whereas, the Development District Act, among other things, authorizes a body corporate and politic such as the MCDA, to create and establish "development districts", as defined in the Development District Act to be improved in accordance with a "development program" as defined in the Development District Act, for designation and approval by the City Council in accordance with the Development District Act; and

Whereas, Section 469.132, Subdivision 1 of the Development District Act requires the governing body of a city of the first class to create an "advisory board" whose purpose is to advise the governing body and the administrator of the development district regarding the planning, construction and implementation of the development program and the maintenance and operation of the development district after the development program has been completed; and

Whereas, the City is a city of the first class and must establish an advisory board, which shall advise the City Council and the MCDA as the administrator of the proposed North Nicollet Mall Development District regarding the planning, construction and implementation of the development program for the proposed North Nicollet Mall Development District; and

Whereas, the City Council, pursuant to Section 469.132, Subdivision 3 of the Development District Act shall by resolution, delineate the respective powers and duties of the advisory board for the proposed North Nicollet Mall Development District;

Now, Therefore, Be It Resolved by The City Council of the City of Minneapolis:

That an advisory board be created for the sole purpose of advising the governing body on the planning, construction, and implementation of the development program for the proposed North Nicollet Mall Development District.

Be It Further Resolved that the advisory board consist of seven members, the majority of whom are owners or occupants of real property located in or adjacent to the proposed North Nicollet Mall Development District.

Be It Further Resolved that the advisory board consist of the persons recommended by the City Council Member for the respective Ward as follows:

- Jan Feye-Stukas, Minneapolis Public Library;
- David Menke, OPUS Northwest, LLC;
- Kimberly Anderson, DMNA and 250 Marquette Ave. S;
- Tammy J. Peterson, DMNA;
- George Rosenquist, DMNA;
- Jayson Drake, DMNA; and
- Garth Rockcastle, DMNA and Meyer Scherer & Rockcastle, LTD.

Be It Further Resolved that the advisory board work with staff from the Minneapolis Planning Department and the Minneapolis Community Development Agency in the creation of a development program, with the Minneapolis City Council responsible for final decisions on approval of same.

Be It Further Resolved that the work of the advisory board shall occur during the formulation of the development program and continue for a time period not to exceed six months from the date of the designation of the proposed North Nicollet Mall Development District by the City Council.

Be It Further Resolved that the City Council designates the Executive Director of the MCDA as the arbiter of any conflicts that may arise between the advisory board and the City Planning Department or the MCDA regarding the formulation of the development program.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev - Your Committee recommends concurrence with the recommendation of the Cultural Affairs Division of the Minneapolis Planning Department and the Minneapolis Arts Commission Nominations Committee to approve the following appointments to serve on the Minneapolis Arts Commission for two-year terms commencing February 1, 2003 and expiring January 31, 2005:

- a) Mayoral appointment of Randy J. Rowaldt, Artist, 331 Busch Terrace, Ward 11; and
- b) City Council President appointment of Kathleen M. Welch, Artist, 4125 23rd Avenue S, Ward 9.

Your Committee further recommends approval of the following Mayoral reappointments to serve on the Minneapolis Arts Commission for two-year terms commencing February 1, 2003 and expiring January 31, 2005:

- c) Marianne Norris, Lay person, 3139 East Calhoun Parkway, Ward 10;
- d) Jennifer Haugh, Administration, 1912 Dupont Avenue S, #204, Ward 7;
- e) Melissa Stephens, Artist, 4952 York Avenue S, Ward 13; and
- f) Carla Waldemar, Lay person, 2831 Kenwood Isles Drive, Ward 9.

Your Committee further recommends approval of the following City Council President reappointments to serve on the Minneapolis Arts Commission for two-year terms commencing February 1, 2003 and expiring January 31, 2005:

- g) Sue Jahn, Artist, 428 North 1st Street, Ward 5;
- h) Maxine Rossman, Administration, 164 Bank Street, Ward 5;
- i) Mary Ann Feldman, Administration, 2906 E Minnehaha Parkway, Ward 12; and
- j) Sally French, Administration, 424 SE 5th Street, Ward 5.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev - Your Committee recommends approval to support the Trust for Public Land application to the Hennepin County Department of Environmental Services requesting a grant of \$10,000 from the Hennepin County Environmental Response Fund for environmental assessment of the Anwatin Woods site (adjacent to Theodore Wirth Park's Eloise Butler Wildflower Garden and public school land).

Your Committee further recommends passage of the accompanying Resolution supporting the environmental financial grant application submitted to the Hennepin County Department of Environmental Services.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-487

By Goodman

Supporting the environmental financial grant application submitted to the Hennepin County Department of Environmental Services.

Resolved by The City Council of The City of Minneapolis:

That the City supports the environmental financial grant application submitted to the Hennepin County Department of Environmental Services on November 1, 2002 by the Trust for Public Land for the Anwatin Woods site in the Bryn Mawr neighborhood.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev - Your Committee, having under consideration a request to approve passage of a resolution establishing an Affordable Housing Trust Fund that would enhance the City's ability to produce affordable rental housing, now recommends that said resolution be referred to the long-range Strategic Planning process and that appropriate staff be directed to develop extended revenue projections and report back to the Community Development Committee meeting of January 21, 2003 (second cycle) with said projections for further consideration and passage of the resolution.

Adopted. Yeas, 10; Nays, 1 as follows:

Yeas - Colvin Roy, Zimmermann, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Johnson, Ostrow.

Nays - Lane.

Absent - Schiff.

Passed December 30, 2002.
Approved January 2, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

Comm Dev - Your Committee recommends concurrence with the recommendation of the Executive Committee to approve the Mayoral appointment of Lee Sheehy to serve as the Executive Director of the Minneapolis Community Development Agency to be effective January 13, 2003.

Adopted. Yeas, 11; Nays none.
Absent - Schiff.

Passed December 30, 2002.
Approved January 2, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

Comm Dev - Your Committee recommends that the proper City officers be authorized to execute Amendment #2 to the Near Northside Master Development Agreement #15371 with the Minneapolis Community Development Agency (MCDA), the Minneapolis Public Housing Authority, and McCormack Baron and Associates, Inc, modifying McCormack Baron's exclusive right to develop Heritage Park's Phase I and II ownership housing component and reducing their management fee to \$13,000 per month.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA for concurrence.

Adopted. Yeas, 11; Nays none.
Absent - Schiff.

Passed December 30, 2002.
Approved January 2, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee, having authorized the City Finance Officer (by Council action of July 26, 2002) to provide interim financing until tax increment financing (TIF) bonds are issued for Heritage Park, Phase I and Phase II site preparation activities, in an amount not to exceed \$2,900,000, now recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage of the accompanying resolution amending the 2002 Capital Improvement Appropriation Resolution by increasing the Capital Improvement - Non-Departmental Agency appropriation and revenue estimate in the Permanent Improvement Projects Fund (4100) by \$2,900,000.

Your Committee further recommends passage of the accompanying resolution amending the 2002 MCDA Appropriation Resolution, increasing the appropriation in Fund SDA0 (MCDA Development Account) by \$1,250,000 and increasing the revenue budget in Fund SDA0 by \$1,250,000.

Adopted. Yeas, 11; Nays none.
Absent - Schiff.

Passed December 30, 2002.
Approved January 2, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-488
By Goodman and Johnson

Amending The 2002 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the Capital Improvement - Non-Departmental Agency in the Permanent Improvement Projects Fund (4100-970-9719) by \$2,900,000, and increasing the revenue estimate in the Capital Improvement - Non-Departmental Agency in the Permanent Improvement Projects Fund (4100-970-9719-Source-3910) by \$2,900,000.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-489
By Goodman and Johnson

Amending The 2002 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund SDA0 (MCDA Development Account) by \$1,250,000 from the projected fund balance, and increasing the MCDA revenue budget in Fund SDA0 (3210 Federal Grantor Agencies) by \$1,250,000.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee, having under consideration City advisory boards relating to community development, now recommends that the City Coordinator be directed to examine said advisory boards and consider the following:

a) streamlining the boards; and

b) communicating most effectively with key development-related constituencies.

Your Committee further recommends that the possibility of combining functions of some of the boards be considered.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute Amendment #1 to Contract #16799 with Aldo Moroni to create the Marcy-Holmes Neighborhood Gateway, extending contract expiration to June 30, 2003, changing the compensation to direct vendor payments, and increasing the contract amount by \$12,000, for a new contract total of \$62,000, payable from the Capital Improvement - Non-Departmental Agency in the Permanent Improvement Projects Fund (4100-970-9707), as more fully set forth in the staff report dated December 9, 2002.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee recommends approval for City involvement in the event, "Mosaic: Celebrating the Arts and Cultures of Minneapolis," a city-wide event celebrating the diversity and rich cultural heritage of Minneapolis through the arts.

Your Committee further recommends that acceptance of funds and in-kind contributions be authorized, in an amount not to exceed \$500,000, to provide a portion of the project coordinator's compensation and to cover all program expenses, including marketing, publicity, and artist fees, with the understanding that a monthly report will be generated to provide a recap of funds received and supporting appropriations.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee, having under consideration a tax increment audit by the Office of the State Auditor (OSA), and having reviewed the non-compliance issues relating to Findings 1-4, now recommends approval of the staff response to the OSA, stating that the City disagrees with Findings 1 and 2 and concurs with Findings 3 and 4, resulting in payment to Hennepin County of \$63,211 from currently appropriated funds of the Minneapolis Community Development Agency, as more fully set forth in the staff report dated December 16, 2002.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee, having under consideration Construction Contract CD-02.27 for the Downtown East Light Rail Transit (LRT) Station Plaza, now recommends the following:

Comm Dev - Acceptance of the low bid received on Construction Contract #CD-02.27 for the Downtown East LRT Station Plaza, submitted by GenCon Construction, in the amount of \$2,681,000, including acceptance of deductive alternates #A2 and #A3;

Concurrence with the following recommendations of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA):

1) Authorization to execute Project Funding Agreement No. 10 and acceptance of the Hiawatha LRT Project Arts Grant, in the amount of \$300,000;

2) Amending the MCDA 2002 Appropriation Resolution by increasing the appropriation in the following funds:

a) Increasing Fund SMN0 (State and Other Grants) by \$300,000, and increasing the revenue budget in Fund SMN0 (3215-13 Other MN Grantor Agencies) by \$300,000;

b) Increasing Fund CDT0 (Downtown East LRT) by \$720,000 and increasing the revenue budget in Fund CDT0 (3415-Other Services Provided) by \$720,000;

c) Increasing Fund CDT0 (Downtown East LRT) by \$228,000 and increasing the revenue budget in Fund CDT0 (Tax Abatement) by \$228,000 for plaza construction; and

d) Increasing Fund CDT0 (Downtown East LRT) by \$1,102,200 and increasing the revenue budget in Fund CDT0 (Tax Abatement) by \$1,102,200 for reimbursement of Public Work's costs at the Downtown East Ramp.

Your Committee further recommends passage and summary publication of the accompanying resolution approving an interfund loan for Downtown East LRT Station Plaza improvements, authorizing a capital advance from Fund CPZ0 (Common Project Reserve) Transit-Oriented Development (TOD) Set-aside, in the amount of \$1,220,000.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA to execute Project Funding Agreement No. 10 and to award the bid relating to Construction Contract #CD-02.27, submitted by GenCon Construction, in the amount of \$2,681,000,

including acceptance of deductive alternates #A2 and #A3, subject to approval of Affirmative Action Plan documents and Small and Underutilized Business Plan.

W&M/Budget - Rejection of all bids relating to Construction Contract #CD-02.27 for the Downtown East LRT Station Plaza, including rejection of deductive alternates #A2 and #A3 and rejection of related appropriations and revenue adjustments, as set forth in Petn No 268445, listed as #3 through #6; and further, that appropriate staff of the MCDA be directed to proceed with solicitation of rebids.

Goodman moved to substitute a new report and resolution for the above-mentioned report and resolutions. Seconded.

Adopted by unanimous consent.

Comm Dev & W&M/Budget - Your Committee, having under consideration Construction Contract #CD-02.27 for the Downtown East Light Rail Transit (LRT) Station Plaza, now recommends the following:

a) Rejection of all bids relating to Construction Contract #CD-02.27 for the Downtown East LRT Station Plaza, including rejection of deductive alternates #A2 and #A3 and rejection of related appropriations and revenue adjustments, as more fully set forth in Petn No 268445; and further, that appropriate staff of the MCDA be directed to proceed with solicitation of rebids;

b) Authorization to execute Project Funding Agreement No. 10 and acceptance of the Hiawatha LRT Project Arts Grant, in the amount of \$300,000; and

c) Amending the 2002 MCDA Appropriation Resolution by increasing the appropriation in Fund SMN0 (State and Other Grants) by \$300,000, and increasing the revenue budget in Fund SMN0 (3215-13 Other MN Grantor Agencies) by \$300,000.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA to execute Project Funding Agreement No. 10.

The substitute report and resolution were adopted.

Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-490

By Goodman and Johnson

Amending The 2002 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund SMN0 by \$300,000 from the projected fund balance, and increasing the revenue budget in Fund SMN0 (3215-13 Other MN Grantor Agencies) by \$300,000.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee recommends approval of the proposed process for final acceptance of artwork commissioned by the City of Minneapolis through the Art in Public Places Program.

Your Committee further recommends acceptance of 28 public artworks created through the Art in Public Places Program since its inception in 1987.

Your Committee further recommends that the proper City officers be authorized to execute maintenance agreements for the 28 artworks and for future artworks, as necessary, with the

appropriate property owners and other partners, in accordance with City of Minneapolis Public Art Policies and Procedures.

Your Committee further recommends that the proper City officers be authorized to execute Amendment #2 to Agreement #18315 with Hennepin County Regional Railroad Authority (HCRRA) for maintenance of the Columbia Park Gateway.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee recommends approval to issue approximately \$27,000,000 general obligation tax increment refunding bonds for the Laurel Village Project to realize interest cost reductions.

Your Committee further recommends passage and summary publication of the accompanying resolution authorizing the sale and issuance of General Obligation Tax Increment Bonds for the project.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-491, authorizing the sale and issuance of General Obligation Tax Increment Bonds for the Laurel Village Project, was passed December 30, 2002 by the City Council and approved January 2, 2003 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summary resolution.

RESOLUTION 2002R-491
By Goodman and Johnson

Authorizing the sale and issuance of General Obligation Tax Increment Bonds, Series 2003, of the City of Minneapolis and providing the form, terms, pledge of tax increment revenues and findings, covenants, and directions relating to such obligations.

Resolved by The City Council of The City of Minneapolis:

Section 1. Authorization, Findings and Definitions.

1.01. The Greater Hennepin District and the Laurel Village District. In order to facilitate the development of multifamily rental housing in the central business district of the City of Minneapolis (the "City"), the City and the Minneapolis Community Development Agency (the "Agency") have taken the following actions: (i) the City established Development District No. 58 (Greater Hennepin Avenue) (the "Greater Hennepin District") in the City pursuant to authority granted by Minnesota Statutes, Sections 469.124-469.134, as amended, including predecessor statutes (the "Development District Act"); (ii) the Agency established Laurel Village Tax Increment Financing District No. 64 (the "Laurel Village District") in the Greater Hennepin District pursuant to authority conferred by Minnesota Statutes, Sections 469.174-469.1799, as amended (the "Tax Increment Act"); and (iii) the Agency and Laurel Village Joint Venture Partnership and certain related entities (collectively, the "Developer"), entered into a Contract for Private Development of Land in Minneapolis, Minnesota, dated December 30, 1986, as amended (the "Development Contract"). The Development Contract provides for the development of approximately 1,000 rental housing units and neighborhood retail and commercial facilities (the "Development").

1.02. The Finance Plan. To finance the capital and administration costs of the Laurel Village District as part of the Greater Hennepin District, the City issued its General Obligation Redevelopment Bonds (Hennepin Avenue), Series 1986C (the "Series 1986 Bonds"), in the original aggregate principal amount of \$26,000,000, pursuant to the Tax Increment Act and Minnesota Statutes, Chapter 475, as amended (the "Municipal Debt Act"). Pursuant to the Tax Increment Act and the Municipal Debt Act, the City issued its General Obligation Laurel Village Refunding Bonds, Series 1992 (the "Series 1992 Bonds"), in the original aggregate principal amount of \$27,675,000, and applied the proceeds derived from the sale of the Series 1992 Bonds to the redemption and prepayment of the Series 1986 Bonds. The Series 1992 Bonds maturing on or after March 1, 2003, are subject to redemption and prepayment, in whole or in part, on September 1, 2002, and on any interest payment date thereafter (each March 1 and September 1 thereafter) at a redemption price equal to the par amount of the Series 1992 Bonds to be redeemed and prepaid plus accrued interest to the date of redemption.

To provide for the redemption and prepayment of the Series 1992 Bonds, the City is proposing to issue its General Obligation Tax Increment Refunding Bonds (Laurel Village), Series 2003 (the "Bonds"), in the original aggregate principal amount of \$27,000,000, and apply the net proceeds derived from the sale of the Bonds to the refunding of the Series 1992 Bonds, in whole, on March 1, 2003. Payment of the principal of, premium, if any, and interest on the Bonds will be secured by the full faith and credit of the City and, to the extent necessary for this purpose, the City will levy taxes on all taxable property in the City without limitation as to rate or amount to pay the principal of, premium, if any, and interest on the Bonds when due. The Bonds are expected to be paid from net tax increment revenues derived from the Laurel Village District (the "Tax Increment Revenues").

1.03. Authority. The City is authorized to issue the Bonds to redeem and prepay the Series 1992 Bonds pursuant to the terms of the Tax Increment Act and the Municipal Debt Act and, in particular, to Section 475.67 of the Municipal Debt Act. The City is authorized to apply the Tax Increment Revenues and other revenues to the payment of the Bonds under Section 469.178 of the Tax Increment Act and the terms of the Municipal Debt Act. Pursuant to the terms of Minnesota Statutes, Section 475.58, subdivision 1, as amended, no election is required because the City Council has determined, and hereby affirms, that not less than twenty percent of the capital and administration costs for the development of the Laurel Village District is estimated to be received from the Tax Increment Revenues.

1.04. Definitions. Unless the context otherwise requires, the terms defined in Section 1.01-1.04 of this Resolution and in this Section 1.05 shall, for all purposes of this Resolution and any resolution supplemental hereto, have the meanings herein specified, such definitions to be equally applicable to both the singular and plural forms of any of the terms defined:

"Bonds" means the General Obligation Tax Increment Refunding Bonds (Laurel Village), Series 2003, issued by the City in the original aggregate principal amount of \$27,000,000.

"Bond Registrar" or "Registrar" means the person or organization acting as registrar with respect to the Bonds and who shall initially be the Finance Officer.

"Code" means the Internal Revenue Code of 1986, as amended, and such term includes any Treasury Regulations promulgated thereunder.

"Holder", "Bondholder" or "owner" means the person in whose name a Bond is registered.

"Letter of Representations" means the Blanket Letter of Representations from the City to Depository Trust Company, New York, New York.

"Municipal Debt Act" means Minnesota Statutes, Chapter 475, as amended.

"Paying Agent" means the person or organization acting as paying agent with respect to the Bonds and who shall initially be the Finance Officer.

"Pledge Agreement" means the Pledge Agreement to be entered into between the Agency and the City with respect to the issuance of the Bonds.

"Resolution" means this resolution authorizing the issuance of the Bonds, as this resolution may be amended or supplemented from time to time.

"Revenues" means the following: (i) the tax increment revenues derived from the Laurel Village District; (ii) the "Holding Rent" derived from the leases of the property financed with the proceeds of

the Series 1986 Bonds; and (iii) other revenues pledged to the payment of the principal of and interest on the Bonds.

"Series 1986 Bonds" means the General Obligation Redevelopment Bonds (Hennepin Avenue), Series 1986C, issued by the City in the original aggregate principal amount of \$26,000,000.

"Series 1992 Bonds" means the General Obligation Laurel Village Refunding Bonds, Series 1992, issued by the City in the original aggregate principal amount of \$27,675,000.

"Tax Increment Act" means Minnesota Statutes, Sections 469.174-469.1799, as amended.

Section 2. Terms and Form of Bonds.

2.01. Bond Terms. It is hereby determined to be necessary and expedient to issue the Bonds to finance the costs referred to in Section 1.02 of this Resolution. The Bonds shall be designated "General Obligation Tax Increment Refunding Bonds (Laurel Village), Series 2003." The Bonds shall be issued in one series or in more than one series as the Finance Officer may determine, and shall be assigned a separate series designation determined by the Finance Officer for each series issued by the City. The Bonds shall be dated the date of issue or shall be dated such other date as the Finance Officer may determine, shall be issued in denominations of \$5,000 or any integral multiple thereof, and each series shall be numbered from R-1 upwards in order of issuance, or with such other numbering and in such other order as the Bond Registrar may determine. The Bonds shall be issued in the original aggregate principal amount of \$27,000,000, or such lesser amount as the Finance Officer shall determine to be necessary and appropriate to finance the costs for which the Bonds are to be issued. The Bonds shall bear interest at the rates per annum approved by the Finance Officer and shall be payable semiannually on February 1 and August 1 of each year, or on such other dates determined by the Finance Officer, commencing on August 1, 2002, or such other date determined by the Finance Officer, from the date of the Bonds or the most recent interest payment date to which interest has been paid or duly provided for, computed on the basis of a 360-day year of twelve thirty-day months. The Bonds shall mature on such dates and in such principal amounts as shall be determined by the Finance Officer, consistent with the requirements of Section 475.54, subdivisions 1 and 17, of the Act (determined, if necessary, by combining such maturities with those of other general obligation bonds of the City). The Finance Officer may determine to designate any portion of the principal of the Bonds to be combined within one or more term Bonds subject to mandatory sinking fund redemptions in the years and amounts determined by the Finance Officer. In the event the Finance Officer is advised that the Bonds do not qualify as obligations the interest on which is not includable in gross income for federal income tax purposes, then the Finance Officer may determine to offer the Bonds as obligations the interest on which is includable in gross income for federal income tax purposes.

The Finance Officer shall establish the dates on and after which the Bonds shall be subject to redemption and prior payment, in whole or in part, at the option of the City. The redemption prices of the Bonds shall be such redemption prices, with or without premium, as the Finance Officer shall determine necessary to obtain the lowest interest rates for the Bonds consistent with the finance plan pursuant to which the Bonds are to be issued.

Thirty days prior to any redemption date, notice of any such redemption shall be given by mail to the registered owners in accordance with the terms of the Act and the terms of the Bonds. In the event of a partial redemption by lot of Bonds, the Bond Registrar shall assign to each Bond then outstanding a distinctive number for each \$5,000 of the principal amount of such Bonds and shall select by lot in the manner it determines the order of numbers, at \$5,000 for each number, for all outstanding Bonds of the maturity to be redeemed. The order of selection of Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected, but only so much of the principal amount of each Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. Upon partial redemption of any Bond, the same shall be surrendered in exchange for one or more new Bonds in authorized form for the unredeemed portion of principal.

On the date fixed for redemption of any Bonds, proper notice having been given, the Bond so called for redemption shall be due and payable at the redemption price provided for that date, the interest on such Bonds shall cease to accrue, the Bonds shall cease to be entitled to any benefit or

security under this Resolution, and the registered owners of such Bonds shall have no rights in respect thereof except to receive payment of the redemption price thereof.

2.02. Method of Payment; Bond Registrar and Paying Agent. The Bonds shall be payable as to principal upon presentation and surrender thereof at the office of the Finance Officer, in Minneapolis, Minnesota, as initial Bond Registrar and Paying Agent, or at the offices of such other successor agents as the City may hereafter designate upon sixty days' mailed notice to the registered owners at their respective registered addresses. At the written request of the registered owner thereof, or at the direction of the Finance Officer, the payment of at least \$100,000 in principal amount of Bonds shall be made by wire transfer of immediately available funds to any bank in the continental United States upon presentation and surrender of such Bonds at the office of the Paying Agent. Interest shall be paid by check or draft mailed to the registered owners of record as of the fifteenth day (whether or not a business day) of the month next preceding the applicable interest payment date at their addresses shown on the registration books or, at the written request of a registered owner of at least \$1,000,000 in aggregate principal amount of Bonds or at the direction of the Finance Officer, by wire transfer of immediately available funds to any bank in the continental United States as the registered owner may specify.

2.03. Bond Form. The Bonds shall be in substantially the following form, the text of which may be printed on the face or on the back or partially on the face or back, with the necessary variations as to name, series designation, number, CUSIP Number, denomination, rate of interest and date of maturity, the blanks therein to be properly filled in, and with such other additions, deletions, or other changes as the Finance Officer may determine:

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(Form of Bonds)

UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF HENNEPIN

No. R-_____ \$_____

**CITY OF MINNEAPOLIS
GENERAL OBLIGATION TAX INCREMENT BOND
SERIES 2003**

Interest Rate	Maturity	Date of Original Issue	CUSIP
	February 1, ____	_____, 2003	

Registered Owner:

Principal Amount:

The City of Minneapolis (the "City"), in the County of Hennepin and State of Minnesota, for value received, hereby certifies that it is indebted and hereby promises to pay to the registered owner named above or registered assigns, the Principal Amount specified above on the Maturity Date specified above, upon the presentation and surrender hereof, and to pay to the Registered Owner hereof interest on such Principal Amount at the Interest Rate specified above from _____, 2003, or the most recent interest payment date to which interest has been paid or duly provided for as specified below, on _____ 1 and _____ 1 of each year, commencing _____ 1, 200__, until said Principal Amount is paid. Interest shall be computed on the basis of a 360-day year consisting of twelve thirty-day months. The principal and redemption price of this Bond are

payable in lawful money of the United States of America at the office of the Finance Officer in Minneapolis, Minnesota, as Bond Registrar and Paying Agent, or at the office of such successor agents as the City may designate upon sixty days' notice to the respective Registered Owners at their registered addresses. At the written request of the Registered Owner thereof, payment of at least \$100,000 in principal amount of Bonds of this series shall be made by wire transfer of immediately available funds to any bank in the continental United States upon presentation and surrender thereof. Interest shall be paid on each interest payment date by check or draft mailed to the person in whose name this Bond is registered at the close of business on the fifteenth day of the month preceding each interest payment date (whether or not a business day) at the Registered Owner's address set forth on the registration books maintained by the Bond Registrar or, at the written request of a Registered Owner of at least \$1,000,000 in aggregate principal amount of the Bonds of this series, by wire transfer of immediately available funds to any bank in the continental United States. Any such interest not punctually paid or provided for will cease to be payable to the person in whose name this Bond is registered on such regular record dates and such defaulted interest may be paid to the person in whose name this Bond shall be registered at the close of business on a special record date for the payment of such defaulted interest established by the Bond Registrar.

This Bond is one of a series of Bonds all of like date and tenor except for number, interest rate, denomination, date of maturity, and redemption privilege, and is issued pursuant to and in accordance with Minnesota Statutes, Sections 469.174 to 469.1799, as amended, and Minnesota Statutes, Chapter 475, as amended (collectively, the "Act"), for the purpose of providing funds to refund in advance of maturity all of the outstanding General Obligation Laurel Village Refunding Bonds, Series 1992, and interest thereon, all as set forth and described in Resolution No. _____ of the City Council of the City, adopted _____, 200__, relating to the issuance of the Bonds (the "Bond Resolution").

The Bonds of this series are expected to be paid primarily from collections of tax increment revenues from the Laurel Village Tax Increment Financing District No. 64 pledged to the payment of the Bonds by the Bond Resolution and from certain other revenues which may be deposited in the Debt Service Account for the Bonds pursuant to the terms of the Bond Resolution. Such use of tax increment revenues is subordinate to any prior obligations of the City to which such tax increment revenues have been pledged (and which pledge does not recognize or permit parity claims or uses of such tax increment revenues) and such deposit shall be made only to the extent such tax increment revenues are available therefor; but the full faith and credit of the City has been and is hereby pledged to the full and prompt payment of the principal of and interest on the Bonds, and the City Council is obligated to levy ad valorem taxes on all taxable property in the City without limitation as to rate or amount, if necessary, to pay principal and interest when due. The City may pledge or apply such tax increment revenues to existing or future obligations of the City on a parity or priority basis with the Bonds.

Reference is hereby made to the Act and to the Bond Resolution for a description of the tax increment revenues and the other revenues that are expected to pay the debt service on the Bonds of this series. Reference is hereby made to the Act and to the Bond Resolution for a description of the nature of the security thereby created, the rights and limitation of the rights of the City and bondholders with respect thereto, and covenants of the City as to the application of the proceeds of the Bonds of this series and the security for the Bonds and interest thereon.

All Bonds maturing on or after _____ 1, 20__, are subject to redemption at the option of the City, in whole or in part in such order as the City may determine, on _____ 1, 20__, and any date thereafter at a redemption price equal to par plus accrued interest to the redemption date [plus the redemption premium set forth in the following table].

[Redemption Premium Table, if applicable]

Thirty days' notice of prior redemption will be given by mail to registered owners in the manner provided by applicable provisions of the Act.

The Bonds maturing on _____ 1, 20__, are subject to mandatory sinking fund redemption on _____ 1 of the following years in the following principal amounts:

[Redemption Table, if applicable]

The specific Bonds subject to mandatory sinking fund redemption are to be randomly selected by the Registrar. All prepayments of the Bonds subject to mandatory sinking fund redemption shall be redeemed at a redemption price of par plus accrued interest to the redemption date. At the election of the City, Bonds redeemed pursuant to the exercise of any optional redemption may be applied as a credit against any mandatory sinking fund redemption.

This Bond is transferable, as provided in the Bond Resolution, only upon books of the City kept at the office of the Bond Registrar by the registered owner hereof in person or by the registered owner's duly authorized attorney, upon surrender of this Bond for transfer at the office of the Bond Registrar, duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Bond Registrar duly executed by, the registered owner hereof or the registered owner's duly authorized attorney, and, upon payment of any tax, fee or other governmental charge required to be paid with respect to such transfer, one or more fully registered Bonds of the series of the same principal amount, maturity and interest rate will be issued to the designated transferee or transferees.

The Bonds of this series are issuable only as fully registered bonds without coupons in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount maturing in any one year. As provided in the Bond Resolution and subject to certain limitations therein set forth, the Bonds of this series are exchangeable for a like aggregate principal amount of Bonds of this series of different authorized denominations, as requested by the registered owner or the registered owner's duly authorized attorney, upon surrender thereof to the Bond Registrar.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Bond do exist, have happened and have been performed in regular and due time, form and manner as required by law; and that this Bond, and the series of which it is a part, is within every applicable debt and other limit prescribed by the Constitution and laws of the State of Minnesota and the Charter of the City.

This Bond shall not be valid or become obligatory for any purpose until the Registration and Authentication Certificate hereon shall have been signed by the Bond Registrar.

In witness whereof, the City, acting by and through its City Council, has caused this Bond to be executed with the facsimile signature of its Mayor, countersigned by the facsimile signature of the Finance Officer, and attested with the facsimile signature of the City Clerk, and a facsimile of the corporate seal of said City to be imprinted hereon, all as of the Date of Original Issue specified above.

Dated: _____

CITY OF MINNEAPOLIS, MINNESOTA

(SEAL)

Attest:

By _____
Mayor

City Clerk

Countersigned:

By _____
Finance Officer

Bond Registrar's Registration and Authentication Certificate

This is one of the Bonds described in the within mentioned Bond Resolution and has been registered as to principal and interest in the name of the Registered Owner identified above on the registration books of the Finance Officer of the City of Minneapolis.

Finance Officer, as Bond Registrar

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

(Please Print or Typewrite Name and Address of Transferee)
the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints
_____ attorney to transfer the within Bond on the books kept for
registration thereof, with full power of substitution in the premises.

Dated: _____

Please Insert Social Security Number or
Other Identifying Number of Assignee.

Notice: The signature to this assignment must
correspond with the name as it appears on the
face of this Bond in every particular, without
alteration or any change whatever.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a financial institution that is a member of the
Securities Transfer Agent Medallion Program ("STAMP"), the Stock Exchange Medallion Program
("SEMP"), the New York Stock Exchange, Inc. Medallion Signatures Program ("MSP") or other such
"signature guarantee program" as may be determined by the Registrar in addition to, or in
substitution for, STAMP, SEMP or MSP, all in accordance with the Securities Exchange Act of 1934,
as amended.

The Registrar will not effect transfer of this Bond unless the information concerning the assignee
requested below is provided.

Name and Address:

(Include information for all joint owners if this
Bond is held by joint account.)

ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of this Bond, will be
construed as though they were written out in full according to applicable laws or regulations:

TEN COM — as tenants in common

TEN ENT — as tenants by entireties

JT TEN — as joint tenants with right
of survivorship and not as tenants in
common

UNIF GIFT MIN ACT ----
_____ Custodian _____
(Cust) (Minor)
under Uniform Gifts or Transfers to Minors Act
_____ (State)

Additional abbreviations may also be used though not in the above list.

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2.04. Registration. As long as any of the Bonds issued hereunder shall remain outstanding, the City shall maintain and keep at the office of the Bond Registrar a bond register in which the Bond Registrar provides for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged. Upon surrender for transfer of any Bond at the office of a Bond Registrar with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or the registered owner's duly authorized attorney, and upon payment of any tax, fee, or other governmental charge required to be paid with respect to such transfer, the City shall execute and the Bond Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more fully registered Bonds of the same series, of any authorized denominations, and of a like aggregate principal amount, interest rate, and maturity. At the option of the registered owner, upon surrender of a Bond at the office of the Bond Registrar such Bond may be exchanged for an equal aggregate principal amount of Bonds of the same maturity and interest rate of any authorized denominations. In all cases in which the privilege of exchanging Bonds or transferring fully registered Bonds is exercised, the City shall execute and the Bond Registrar shall deliver Bonds in accordance with the provisions of this Resolution. For every such exchange or transfer of Bonds, whether temporary or definitive, the City or the Bond Registrar may make a charge sufficient to reimburse it for any tax, fee, or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. Notwithstanding any other provision of this Resolution, the cost of preparing each new Bond upon each exchange or transfer, and any other expenses of the City or the Bond Registrar incurred in connection therewith (except any applicable tax, fee, or other governmental charge) shall be paid by the City. The City and the Bond Registrar shall not be required to make any transfer or exchange of any Bonds called for redemption, nor be obligated to make any such exchange or transfer of Bonds during the fifteen (15) days next preceding the date of the mailing of notice of redemption in the case of a proposed redemption of Bonds.

2.05. Record Dates. Interest on any Bond which is payable, and is punctually paid or duly provided for, on any interest payment date shall be paid to the person in whose name that Bond (or one or more Bonds for which such bond was exchanged) is registered at the close of business on the fifteenth day of the preceding month. Any interest on any Bond which is payable, but is not punctually paid or duly provided for, on any interest payment date shall forthwith cease to be payable to the registered holder on the relevant regular record date solely by virtue of such holder having been such holder; and such defaulted interest may be paid by the City in any lawful manner, if, after notice given by the City to the Bond Registrar of the proposed payment pursuant to this paragraph, such payment shall be deemed practicable by the Bond Registrar. Such payments shall then be made to the persons in whose names the Bonds are registered at the close of business on a special record date established by the Bond Registrar. Subject to the foregoing provisions of this paragraph, each Bond delivered under this Resolution upon transfer of or in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond and each such Bond shall bear interest from such date that neither gain nor loss in interest shall result from such transfer, exchange or substitution.

2.06. Bonds Mutilated, Destroyed, Stolen or Lost. In case any Bond shall become mutilated or be destroyed, stolen or lost, the City shall execute and the Bond Registrar shall authenticate and deliver a new Bond of like maturity and principal amount as the Bond so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Bond, upon surrender and cancellation of such mutilated Bond, or in lieu of and substitution for the Bond destroyed, stolen or lost, upon filing with the City evidence satisfactory to the City and the Bond Registrar that such Bond has been destroyed, stolen or lost and proof of ownership thereof, and upon furnishing the City and the Bond Registrar with indemnity satisfactory to them and complying with such other reasonable regulations as the City and the Bond Registrar may prescribe and paying such expenses as the City and the Bond Registrar may incur in connection therewith. All Bonds so surrendered to the Bond Registrar shall be cancelled by it and evidence of such cancellation shall be given to the City.

2.07. Owners. As to any Bond, the City and the Bond Registrar and their respective successors, each in its discretion, may deem and treat the person in whose name the same for the time being shall be registered as the absolute owner thereof for all purposes and neither the City nor the Bond Registrar nor their respective successors shall be affected by any notice to the contrary. Payment of or on account of the principal of any such Bond shall be made only to or upon the order of the registered owner thereof, but such registration may be changed as above provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

2.08. Use of Securities Depository; Book-Entry Only System. The provisions of this Section shall take precedence over the provisions of Sections 2.01 through 2.07 hereof to the extent they are inconsistent therewith.

(a) The Depository Trust Company ("DTC") has agreed to act as securities depository for the Bonds, and to provide a Book-Entry Only System for registering the ownership interests of the financial institutions for which it holds the Bonds (the "DTC Participants"), and for distributing to such DTC Participants such amount of the principal and interest payments on the Bonds as they are entitled to receive, for redistribution to the beneficial owners of the Bonds as reflected in their records (the "Beneficial Owners").

(b) Initially, and so long as DTC or another qualified entity continues to act as securities depository, the Bonds shall be issued in typewritten form, one for each maturity in a principal amount equal to the aggregate principal amount of each maturity, shall be registered in the name of the securities depository or its nominee, and shall be subject to the provisions of this Section. While DTC is acting as the securities depository, the Bonds shall be registered in the name of DTC's nominee, CEDE & CO; provided that upon delivery by DTC to the City and the Bond Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & CO., the words "CEDE & CO." in this Resolution shall refer to such new nominee of DTC.

With respect to Bonds registered in the name of a securities depository or its nominee, the City and the Bond Registrar shall have no responsibility or obligation to any DTC Participant or other person with respect to the following: (i) the accuracy of the records of any securities depository or its nominee with respect to any ownership interest in the Bonds; (ii) the delivery to any DTC Participant or other person or any other person, other than DTC, of any notice with respect to the Bonds, including any notice of redemption; or (iii) the payment to any DTC Participant or any other person, other than DTC, of any amount with respect to the principal of or interest on the Bonds. The Bond Registrar shall pay all principal of and interest on the Bonds only to or upon the order of DTC, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal and interest on the Bonds to the extent of the sum or sums so paid. So long as the Book-Entry Only System described in this Section is in effect, no person other than DTC shall receive an authenticated Bond.

(c) Upon receipt by the City and the Bond Registrar of written notice from the securities depository to the effect that it is unable or unwilling to discharge its responsibilities under the Book-Entry Only System, the Bond Registrar shall issue, transfer and exchange Bonds of the initial series as requested by the securities depository in appropriate amounts, and whenever the securities depository requests the City and the Bond Registrar to do so, the City and the Bond Registrar shall cooperate with the securities depository in taking appropriate action after reasonable notice: (i) to arrange for a substitute depository willing and able, upon reasonable and customary terms, to maintain custody of the Bonds; or (ii) to make available Bonds registered in whatever name or names the Beneficial Owner registering ownership, transferring or exchanging such Bonds shall designate, in accordance with clause (f) or clause (g) below, whichever is applicable.

(d) In the event the City determines that it is in the best interests of the Beneficial Owners that they be able to obtain printed Bonds, the City may so notify the securities depository and the Bond Registrar, whereupon the securities depository shall notify the Beneficial Owners of the availability through the securities depository of such printed Bonds. In such event, the City shall cause to be prepared and the Bond Registrar shall issue, transfer and exchange printed Bonds, fully executed and authenticated, as requested by the securities depository in appropriate amounts and, whenever

the securities depository requests, the City and the Bond Registrar shall cooperate with the securities depository in taking appropriate action after reasonable notice to make available printed Bonds registered on the Bond Register in whatever name or names the Beneficial Owners entitled to receive Bonds shall designate, in accordance with clause (f) or clause (g) below, whichever is applicable.

(e) Notwithstanding any other provisions of this Resolution to the contrary, so long as any Bond is registered in the name of a securities depository or its nominee, all payments of principal and interest on the Bond and all notices with respect to the Bond shall be made and given, respectively, to the securities depository as provided in the representation letter given to it by the City. The Letter of Representation is confirmed and shall apply to the Bonds.

(f) In the event that the Book-Entry Only System established pursuant to this Section is discontinued, except as provided in clause (g), the Bonds shall be issued through the securities depository to the Beneficial Owners.

(g) In the event of termination of the Book-Entry Only System, the City shall have the right to terminate, and shall take all steps necessary to terminate, all arrangements with the securities depository described herein, and thereafter shall issue, register ownership of, transfer and exchange all Bonds as provided herein. Upon receipt by the securities depository of notice from the City, the securities depository shall take all actions necessary to assist the City and the Bond Registrar in terminating all arrangements for the issuance of documents evidencing ownership interests in the Bonds through the securities depository. Nothing herein shall affect the securities depository's rights under clause (e) above.

Section 3. Execution and Delivery of Bonds and Other Documents.

3.01. Method of Sale. Authority to negotiate the sale and issuance of the Bonds is hereby delegated to the Finance Officer and the Board of Estimate and Taxation under Section 475.60, subdivision 1, of the Act; provided that each series of Bonds shall be sold only at a price of not less than ninety-eight percent of the principal amount of such series of Bonds, and the Bonds shall bear interest at the rates specified by the successful proposal. In connection with the sale of the Bonds, by one or more certificates or other written instruments or documents, the Finance Officer may make such additional covenants or directions as it may deem necessary and expedient, including but not limited to, approval of an Official Statement and of a Continuing Disclosure Certificate. Any unused discount, any premium, and any unused issuance costs shall be deposited in the Debt Service Account.

3.02. Bonds. The Bonds shall be executed by the respective facsimile signatures of the Mayor, Finance Officer and City Clerk and shall be sealed with a facsimile of the corporate seal of the City as set forth in the form of Bond. The text of the approving legal opinion of Kennedy & Graven, Chartered, of Minneapolis, Minnesota, as bond counsel, shall accompany each Bond. When said Bonds shall have been duly executed and authenticated by the Bond Registrar in accordance with this Resolution, the same shall be delivered to the purchasers in accordance with the terms of the sale upon payment of the purchase price, and the receipt of the Finance Officer to said purchasers thereof shall be a full acquittance; and said purchasers shall not be bound to see to the application of the purchase money. The Bonds shall not be valid for any purpose until authenticated by the Bond Registrar, which is hereby appointed authenticating agent in accordance with the Act.

3.03. Official Statement. The Finance Officer and the Board of Estimate and Taxation (the "Board") shall cause an Official Statement relating to the Bonds to be prepared, and the use thereof by the purchasers is approved. Upon the award of the Bonds pursuant to competitive sale, the Finance Officer and the Board shall prepare an Addendum to the Official Statement incorporating the interest rates and other relevant information relating to the Bonds.

3.04. Certificates. The Finance Officer is authorized and directed to furnish to the purchasers at the closing: (i) a certificate that, to the best of the knowledge of such officer, the Official Statement does not, at the date of closing, and did not, as of its date, contain any untrue statement of a material fact or omit to state any material fact necessary in order to make the statements made therein, in the light of the circumstances under which they were made, not misleading; and (ii) such other certificates as are required as a condition of sale, including a Continuing Disclosure Certificate setting forth the continuing disclosure obligations of the City under applicable law, as approved by

the Finance Officer. Unless litigation shall have been commenced and be pending questioning the Bonds or the organization of the City or incumbency of its officers, at the closing, the Finance Officer shall also execute and deliver to the purchasers a suitable certificate as to absence of material litigation, and the Finance Officer shall also execute and deliver a certificate as to payment for and delivery of the Bonds, together with a certificate meeting the requirements of the arbitrage regulations under Section 148 of the Code and the signed approving legal opinion of Kennedy & Graven, Chartered, as to the validity and enforceability of the Bonds and the exemption of interest thereon from federal and Minnesota income taxation (other than Minnesota corporate franchise and bank excise taxes measured by income) under present laws and rulings.

3.05. Pledge Agreement. A pledge agreement, pursuant to which the tax increment revenues derived from the Laurel Village District and the "Holding Rent" derived from the leases of the property financed with the proceeds of the Series 1986 Bonds are pledged to payment of the Bonds (the "Pledge Agreement"), is hereby approved and appropriate officers of the City and the Agency are hereby authorized to execute and deliver the Pledge Agreement in conjunction with the issuance and delivery of the Bonds. The Pledge Agreement, with such additions, deletions, and other changes as are approved by the Finance Officer, is to be executed and delivered in order to satisfy the requirements of Minnesota Statutes, Section 469.178, subdivision 2, and Sections 475.58, subdivision 1, and 475.61, subdivision 1, of the Municipal Debt Act. The Pledge Agreement creates rights in the City and the Agency but is not intended to create duties or obligations of the City or the Agency to any other persons (including the beneficial or registered owners of the Bonds) with respect to the tax increment revenues or other revenues described or referenced in the Pledge Agreement, and is not intended to create rights in or claims by any other persons (including the beneficial or registered owners of the Bonds) with respect to the tax increment revenues or other revenues described or referenced in the Pledge Agreement.

Section 4. Refunding Series 1992 Bonds, Application of Proceeds.

4.01. Redemption and Prepayment of Series 1992 Bonds. All outstanding Series 1992 Bonds are hereby called for redemption and prepayment on March 1, 2003, or on such later date as the Finance Officer deems necessary or appropriate.

4.02. Escrow Agreement. In the event that the Finance Officer determines that an escrow agreement, between the City and a financial institution selected by the Finance Officer, is necessary to provide for the redemption and prepayment of the Series 1992 Bonds, the Finance Officer is hereby authorized to prepare such escrow agreement for execution by the Mayor, countersigning by the Finance Officer, and attestation by the City Clerk. The City shall pay the reasonable fees and expenses of the financial institution acting as escrow agent pursuant to the terms of the escrow agreement.

4.03. Appropriation of Funds. The proceeds of the Bonds are hereby appropriated as follows: (i) any accrued interest shall be deposited in the Debt Service Account; (ii) an amount determined by the Finance Officer to pay interest on the Bonds shall be set aside and applied to such purpose; (iii) an amount sufficient to refund the Series 1992 Bonds shall be applied to such purpose; (iv) an amount sufficient to pay the capital and administration costs proposed to be paid from the proceeds of the Bonds for the development and redevelopment of the Greater Hennepin District shall be set aside and applied to such purpose; and (v) an amount sufficient to pay the costs of issuing the Bonds shall be set aside and applied to such purpose. Any remaining proceeds of the Bonds shall be applied to purposes of the City determined and designated by the Finance Officer.

4.04. Verification Report. In the event that the Finance Officer determines that a verification report should be prepared with respect to the redemption and prepayment of the Series 1992 Bonds in order to confirm that the funds to be applied to the redemption and prepayment of the Series 1992 Bonds will be sufficient for such purposes, the Finance Officer is hereby authorized to select a verification agent to prepare the verification report. The City shall pay the reasonable fees and expenses of the verification agent.

Section 5. Disposition of Pledged Revenues.

Section 5.01. Project Account. The City has heretofore established a Project Account within its Development Districts Fund for the Greater Hennepin District (the "Project Account") into which the City and the Agency deposit the Revenues from the Laurel Village District. Amounts in the Project

Account shall be expended only in accordance with the Tax Increment Act. There shall be deposited in the Project Account all subsequent collections of tax increment and other Revenues derived from the Laurel Village District which are required or directed to be deposited in the Project Account by the City or the Agency and investment earnings on amounts therein. The Project Account is appropriated, first, for the payment of principal and interest on the Bonds and any additional obligations issued on account of the Project and, second, to the payment of the authorized costs of the Project Account. There shall be transferred from the Project Account to the Debt Service Account such amounts as the Finance Officer shall deem necessary to pay principal and interest on the Bonds and any additional obligations when due. In addition, in the event there are funds on deposit in the Reserve Subaccount established in the Project Account by Resolution No. 92R-408 (the "Reserve Subaccount"), such funds shall be transferred to the Debt Service Account and applied to the payment of principal and interest on the Bonds when due in the event the Revenues are at any time insufficient for such purpose. Amounts withdrawn from the Reserve Subaccount may, but are not required, to be replenished by subsequent collections of Revenues as determined by the Finance Officer or at the direction of the City Council. Amounts on deposit in the Project Account and Reserve Subaccount shall at all times be invested in a manner that neither the Series 1992 Bonds or the Bonds are deemed to be arbitrage bonds within the meaning of Section 148 of the Code. The Finance Officer is authorized to establish such other accounts or subaccounts as may be appropriate to account for funds to be deposited in the Project Account.

5.02. Debt Service Account. There is hereby established a separate Debt Service Account for the payment of the principal of and interest on the Bonds and any additional obligations issued to finance the Laurel Village District or the Greater Hennepin District. To the extent deemed appropriate and in the best interests of the City, the City will apply the tax increment revenues derived from the Laurel Village District, the "Holding Rent" derived from the leases of the property financed with the proceeds of the Series 1986 Bonds, and other pledged revenues (collectively, the "Revenues") to the payment of the principal of and interest on the Bonds. The Finance Officer shall deposit in the Debt Service Account, from amounts in the accounts which shall be or have heretofore been created for the deposit of the Revenues to be applied to payment of the Bonds, such Revenues as are deemed appropriate and necessary to pay the principal of and interest on the Bonds when due; provided that such use of the Revenues is subordinate to any prior obligations of the City to which the Revenues have been pledged (if such pledge does not recognize or permit parity claims or parity uses of such Revenues) and such deposit shall be made only to the extent such Revenues are available therefor. The City and the Agency may pledge or apply the Revenues to existing or future obligations of the City and the Agency on a parity or priority basis with the Bonds. The Finance Officer shall deposit money in the Debt Service Account, from amounts in the Project Account, as necessary to pay the principal of and interest on the Bonds when due. Transfers for this purpose shall be made, first, from current collections of tax increment revenues, second, from amounts, if any, on deposit in the Reserve Subaccount, and third from other amounts on deposit in the Project Account. To the extent such sources are insufficient, the Finance Officer shall apply amounts in the General Fund for such purpose and thereafter reimburse the General Fund from subsequent collections of tax increment and other Revenues.

Section 6. Covenants of the City.

6.01. Pledge of Full Faith and Credit; Tax Levies. The full faith and credit of the City are irrevocably pledged for the prompt and full payment of the Bonds and the interest thereon, when due. It is hereby estimated that the Revenues to be applied to the payment of the Bonds under Section 6.01 will produce at least five percent in excess of the amount needed to meet when due the principal and interest payments on the Bonds, but the City shall levy, in addition to all other taxes, a direct tax on all taxable property in the City, without limitation as to rate or amount, if necessary to pay such principal and interest when due. Without limiting the foregoing, the City shall levy taxes in each year to the extent estimated collections of the Revenues to be applied to the payment of the Bonds in the following year, together with available amounts on deposit in the Debt Service Account and other dedicated funds, are insufficient to pay the principal of and interest on the Bonds in such subsequent year and at least five percent in excess thereof.

6.02. Tax Covenant. If the Bonds are issued as obligations the interest on which is not

includable in gross income for federal income tax purposes, the City shall not take any action or authorize any action to be taken in connection with the application or investment of the proceeds of the Bonds or any related activity which would cause the Bonds to be deemed to be "private activity bonds", within the meaning of Section 141 of the Code, or "arbitrage bonds", within the meaning of Section 148 of the Code. Furthermore, the City shall take all such actions as may be required under the Code to ensure that interest on the Bonds is not and does not become includable in gross income for federal income tax purposes.

Section 7. Miscellaneous.

7.01. Arbitrage. If the Bonds are issued as obligations the interest on which is not includable in gross income for federal income tax purposes, the City covenants and agrees with the purchasers and holders of the Bonds that the investments of the "gross proceeds" of the Bonds, including the investment of any revenues pledged to the Bonds which are considered "gross proceeds" under Section 148 of the Code, and accumulated sinking funds, if any, shall be limited as to amount and yield in such manner that the Bonds shall not be deemed to be "arbitrage bonds" within the meaning of Section 148 of the Code. On the basis of existing facts, estimates, and circumstances, including the foregoing findings and covenants, the City Council hereby certifies that it is not expected that the proceeds of the Bonds will be used in such manner as to cause the Bonds to be "arbitrage bonds" under Section 148 of the Code. If the Bonds are issued as obligations the interest on which is not includable in gross income for federal income tax purposes, the Finance Officer shall furnish an arbitrage certificate to the original purchasers embracing or based on the foregoing certification at the time of delivery of the Bonds, and the Finance Officer may make any election permitted under Section 148 of the Code, or under any other provision of the Code, on behalf of the City.

7.02. Registration. The City Clerk is hereby authorized and directed to certify a copy of this Resolution and to cause the same to be filed with the Hennepin County Director of Property Taxation, exercising the powers of the County Auditor under Section 475.63 of the Act, and to obtain a certificate as to the registration of the Bonds.

7.03. Certification. The City Clerk, the Finance Officer and other officers and employees of the City are hereby authorized and directed to furnish to the attorneys approving the Bonds, on behalf of the purchasers of the Bonds, certified copies of all proceedings and certifications as to facts as shown by the books and records of the City, to show the proceedings taken in connection with the Bonds, and the right and authority of the City to issue the Bonds, and all such certified copies and certifications shall be deemed representations of fact on the part of the City.

7.04. Effective Date. This resolution shall take effect and be in force from and after its approval and publication.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** Committee submitted the following reports:

H&HS – Your Committee, having under consideration the provision of public health emergency preparedness services, now recommends that the proper City Officers be authorized to execute a contract with Hennepin County, in an amount not to exceed \$200,000, to develop and implement a county-wide Public Health Emergency Preparedness Plan and provide Minneapolis with additional planning and coordination resources that will enhance the ability of the County to respond on behalf of the City to a terrorist attack or other public health emergency. Said contract shall be for the period June 6, 2002 through August 31, 2003, payable from Health & Family Support (030-860-8621).

Adopted.

Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

H&HS – Your Committee, having under consideration the First Opportunity Program at Folwell Middle School, a program serving youth ages 11 to 15 living in the Phillips Neighborhood and the surrounding community, now recommends that the proper City Officers be authorized to execute modification #3 to Juvenile Justice Title V Grant Agreement #90729 to increase grant funding by \$50,000 for the program, for a total award of \$152,000, and to extend the performance period through December 31, 2003.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

H&HS - Your Committee, having received a report from the Director of Civil Rights on developing a plan to integrate the Civilian Review Authority (CRA) into the Department of Civil Rights, now recommends approval of CRA Redesign Plan Alternative 1 which includes the option for either the complainant or the accused officer to appeal the CRA panel's determination and ask for an evidentiary hearing to include subpoena power (Petr No 268449). Further, that City Attorney staff be directed to begin drafting an ordinance based on Alternative 1.

Johnson moved to substitute the following report for the above report. Seconded.

Adopted. Yeas, 7; Nays, 4 as follows:

Yeas - Colvin Roy, Niziolek, Benson, Goodman, Lane, Johnson, Ostrow.

Nays - Zimmermann, Zerby, Lilligren, Johnson Lee.

Absent - Schiff.

H&HS - Your Committee, having received a report from the Director of Civil Rights on developing a plan to integrate the Civilian Review Authority (CRA) into the Department of Civil Rights, now recommends approval of the staff recommended CRA Redesign Plan which changes the standard of proof to "preponderance of the evidence" and includes reliable hearsay in the complaint process (Petr No 268449). Further, that City Attorney staff be directed to begin drafting an ordinance based on the staff recommended plan.

The report, as substituted, was adopted.

Yeas, 8; Nays, 3 as follows:

Yeas - Colvin Roy, Zimmermann, Niziolek, Benson, Goodman, Lane, Johnson, Ostrow.

Nays - Zerby, Lilligren, Johnson Lee.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

H&HS & W&M/Budget – Your Committee recommends that the proper City Officers be authorized to execute amendment #2 to Contract #16444 with the Healthy Learners Board to receive an additional \$25,000, for a total contract amount of \$116,409, and to extend the performance period through December 31, 2003 to pay for the cost of a nurse to provide immunizations through the New Family Center as part of the "No Shots No School" Program.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following reports:

IGR - Your Committee, having under consideration 12 applications for 3 City Council appointments to the Metropolitan Sports Facilities Commission, for four year terms beginning 1/7/2003 and expiring 1/6/2007, and having held a public hearing thereon, now recommends that the following applicants be sent forward without recommendation:

- a) John Fox Blackshaw, 3835 Washburn Ave S, Minneapolis 55410;
- b) Bill English, 9070 Viking Blvd NW, Elk River, MN 55330;
- c) John (J.) A. Forrest, 4418 W Lake Harriet Pkwy, Minneapolis 55410;
- d) Richard Jefferson (current appointee), 801 Ballantyne Lane, Minneapolis, MN 55432;
- e) Daniel R. Kenney, 5144 - 10th Ave S, Minneapolis, MN 55417;
- f) Jeffrey James Krasky, 1501 NE Adams St, Minneapolis, MN 55413;
- g) Kenneth J. Loehlein, 1619 - 2nd St NE, Minneapolis, MN 55413;
- h) Jon W. Morphew, 1001 - 6th Ave NE #315, Buffalo, MN 55313;
- i) John Pacheco, Jr (current appointee), 111 Marquette Ave S, Minneapolis, MN 55401;
- j) Jack Reuler, 4331 Longfellow Ave, Minneapolis, MN 55407;
- k) Jeffrey Seidel, 5128 Dupont Ave S, Minneapolis, MN 55419;
- l) Terrell Towers (current appointee), 8445 Julianne Terrace, Golden Valley, MN 55427.

Benson moved to amend the report by deleting the language, "sent forward without recommendation," and inserting in lieu thereof, "appointed: Richard Jefferson, Jeffery Seidel and Daniel Kenney." Seconded.

Zerby moved a substitute motion to amend the report by deleting the language, "sent forward without recommendation," and inserting in lieu thereof, "appointed: Richard Jefferson, John Pacheco, Jr and Jack Reuler." Seconded.

Lost upon a voice vote.

Zimmermann moved a substitute motion to amend the report by deleting the language, "sent forward without recommendation," and inserting in lieu thereof, "appointed: Richard Jefferson, Jeffery Seidel and Jack Reuler." Seconded.

Lost upon a voice vote.

Benson's motion was adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 10; Nays, 1 as follows:

Yeas - Colvin Roy, Zimmermann, Zerby, Lilligren, Niziolek, Benson, Goodman, Lane, Johnson, Ostrow.

Nays - Johnson Lee.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

IGR - Your Committee recommends that the proper City officers be authorized to extend contract #018350 with Lockridge Grindal & Nauen, P.L.L.P. in the amount of \$48,000 for federal intergovernmental relations consulting services, on a yearly basis, beginning 1/1/2003 through 12/31/03.

Your Committee further recommends that said contract extension be payable from the existing City Coordinator budget.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

IGR - Your Committee, to whom was referred back on 12/13/02 the City's *draft* agenda for the Year 2003 Legislative Session, and having held further discussion thereon, now recommends approval of the City's agenda for the Year 2003 Legislative Session as set forth below and specifically described in Petn No 268452:

PRIORITY ISSUES

- Local Government Finance
- Minneapolis-Accountability and Results
 - Focus Minneapolis
 - Regulatory Reform
 - Appointed Personnel
- Affordable Housing
- State Bonding Program
 - Minnesota Planetarium & Space Discovery Center
 - Minneapolis Empowerment Zone
 - Guthrie Theater
 - Children's Theater
 - Sales Tax Exemption for new Minneapolis Central Library and Minnesota Planetarium & Space Discovery Center
- Transportation
- Public Safety

SUPPORTED ISSUES

- Municipal Government
 - Domestic Partner Benefits
 - Web Publications
 - Late Night Closing/Theatre Liquor Licenses
- City Livability
 - Airport Noise
 - Airport Capacity
 - Tenant Remedies Act
 - Re-inspection Fee
 - Funding for Health Disparities
 - Lead Prevention
 - Temporary Assistance for Needy Families Funding
 - Minor Consent
 - Tobacco Tax
 - Historic Designation of Victory Memorial Drive
 - No Sale of Wine in Grocery Stores
- Jobs & Economic Development
 - Funding for Brownfields; Petrofund Extension
 - Redevelopment Account Funding
 - Funding for Livable Communities
 - Tax Increment Finance Reform
 - Historic Tax Credits

ENDORSED AGENDAS

- League of Minnesota Cities
- Association of Metropolitan Municipalities
- Housing Minnesota
- Hennepin County Public Health Agenda
- Minnesota Solutions
- Minnesota Workforce Council Association

- National Association of Housing Redevelopment Organizations
- The Property Tax Study Project
- Minnesota Association of Community Dentistry
- Minnesota Association of Local Housing Finance Agencies

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

IGR - Your Committee, to whom was referred a proposed ordinance amending Chapter 3, Section 22 of the Minneapolis City Charter relating to *Powers and Duties of Officers*, amending the provision relating to interest in City contracts, as set forth in Petn No 268451.1, now recommends that the proposed ordinance be referred to the Minneapolis Charter Commission for consideration and referral to the City Council for adoption by unanimous vote.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

IGR - Your Committee, having under consideration a request to support locating GLOBE: Mission to Planet Earth, in the City of Minneapolis, and to aid the project developers in the submittal of the application to NASA for the worldwide headquarters of GLOBE: Mission to Planet Earth, now recommends passage and summary publication of the accompanying resolution offering support for GLOBE: Mission to Planet Earth to be relocated from Washington, DC to the City of Minneapolis.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-492, offering support for GLOBE: Mission to Planet Earth to be relocated from Washington, DC to the City of Minneapolis was passed December 30, 2002 by the City Council and approved January 2, 2003 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2002R-492

By Ostrow, Benson, Goodman, Johnson Lee, Zerby, Lane

Offering support for GLOBE: Mission to Planet Earth to be relocated from Washington, DC to the City of Minneapolis.

Whereas, GLOBE is a worldwide hands-on, primary and secondary school-based education and science program; and

Whereas, GLOBE has been directed to transition from a publicly funded and managed entity in NASA to a private for-profit operation; and

Whereas, GLOBE would become the centerpiece of GLOBE: Mission to Planet Earth; and

Whereas, GLOBE and its mission is synchronous with the goals and policies of the City of Minneapolis; and

Whereas, a major focus of GLOBE would be the Mississippi River, it's ecosystem and watershed; and

Whereas, the City of Minneapolis has consistently shown leadership in environmental education, policy, regulation, and implementation; and

Whereas, the University of Minnesota, through the Super Computer Center and Institute of Technology, can provide GLOBE with tremendous technical resources; and

Whereas, City of Minneapolis also has resources that can help make GLOBE: Mission to Planet Earth a success in Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council does hereby resolve to strongly support relocating GLOBE from Washington, DC to the City of Minneapolis.

Be It Further Resolved that the City offers assistance for the development of the application to NASA to relocate GLOBE, and to assist the project developers in finding a suitable location in the City of Minneapolis for the headquarters of GLOBE: Mission to Planet Earth.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, having under consideration the application of Drink Inc, dba Drink, 26 N 5th St, for an On-Sale Liquor Class A with Sunday Sales License (change in ownership from Pickled Parrot Inc) to expire October 1, 2003 and a Sidewalk Cafe License (new business effective 4/1/03) to expire April 1, 2003, and having held a public hearing thereon, now recommends that said license be granted, subject to the following conditions:

a. no adult entertainment or inappropriate dress will be conducted or allowed on the licensed premises.

b. all Federal, State of Minnesota and City of Minneapolis laws, rules and regulations concerning beverage alcohol sales and consumption will be complied with.

c. the licensed business shall provide sufficient staff devoted exclusively to security-related duties to protect the well-being and safety of patrons, employees and the general public; said security staff shall be distinctly clothed to make their appearance and function easily recognizable.

d. the licensee shall designate an employee, other than the on-site manager, as head of the security staff. An employee shall be equipped with a cell telephone with number to be provided to the 1st Precinct to enable prompt communication in the event of disturbances.

e. prior to the commencement of business operations, the on-site manager and designated head of the security staff shall meet and confer with the 1st Precinct CCP/SAFE and Command staff to develop "best practices and security methods".

f. management and security staff shall work with the Minneapolis Fire Department's Fire Prevention staff to identify methods to prevent violation of occupancy limits.

g. the security staff shall be utilized to instruct patrons and others not to loiter on the public sidewalk after they have exited the licensed premise.

h. the licensee shall compile, maintain and share with the 1st Precinct a "do not admit" list to prevent re-occurrence of disturbances by known persons.

i. all rubbish found within 100 feet of the main entrance shall be picked up and properly disposed of immediately after the close of business each night.

j. all persons seeking to gain entrance to the establishment after 9:00 p.m. shall be required to present legitimate identification as a condition of entrance.

k. the licensee shall meet with the 1st Precinct CCP/SAFE unit on a monthly basis for the first six months of operations, or as deemed appropriate by the Minneapolis Police Department, to review any law enforcement concerns that may arise from the applicant's business operations.

l. the licensee shall notify the 1st Precinct if an event is scheduled that is an "all ages" or 18+ presentation, is of a private nature or otherwise may draw patron numbers in excess of regular business operations as soon as the applicant has knowledge of such an event.

m. the licensee shall regularly attend meetings of the Downtown Entertainment District Security Meetings.

n. the licensee shall join the Warehouse District Business Association.

o. employees of the licensee shall receive alcohol server training from an approved provider each three months during the initial year of business operations.

p. after May 1, 2003, the licensee shall not permit Michael Whitelaw to enter the premise to perform any management or consulting duties (paid or unpaid).

q. the licensee shall notify the Minneapolis Police License Division of the date that the business intends to commence operations to which the general public will be admitted.

r. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 10; Nays none.

Declining to Vote - Benson.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the application of HRS Enterprises Inc, dba Red Sea Bar & Restaurant, 320 Cedar Av, for an On-Sale Liquor Class C-1 with Sunday Sales License (change in ownership from Red Sea Inc) to expire January 1, 2003, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 10; Nays none.

Declining to Vote - Benson.

Absent - Schiff.

Passed December 30, 2002.

Approved December 30, 2002. P. Ostrow, Acting Mayor.

Attest: M. Keefe, City Clerk.

(Published January 2, 2003)

PS&RS - Your Committee, having under consideration the application of Abduwahid Gedi, dba Rainbow #211, 314 Hennepin Av #1405, for a Taxicab Vehicle License (company to company transfer from ABC #635) to expire February 1, 2003, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved December 30, 2002. P. Ostrow, Acting Mayor.

Attest: M. Keefe, City Clerk.

(Published January 2, 2003)

PS&RS - Your Committee, having under consideration the application of Yellow Taxi Service Corp, dba Yellow, 2657 32nd Av S, for a Taxicab Service Company License (new business) to expire February 1, 2003, now recommends that a provisional license be granted, subject to the following conditions:

a. the licensee will advise and route all Yellow Taxi Cabs (owned or leased by Yellow Taxi or owner-operated) to travel on the following route to their licensed facility at 2657 32nd Av S — 31st Av S from Franklin Av or Lake Street to 26th St; or from Hiawatha Av east on 26th St; from 26th St, vehicular traffic will head south on 32nd Av S and turn east into 2657 32nd Av S.

b. at no time will Yellow Taxi Cabs be driven, parked or stored anywhere on the site, other than between 32nd and 33rd Aves S;

c. the licensee shall copy and post a map of the approved travel routes in all Yellow Taxi vehicles and the dispatch center (Petn No 268456).

d. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the application of Primitivo Morales, dba La Poblanita, 1617 E Lake St, for Grocery, Food Manufacturer and Meat Market Licenses (new business) to expire April 1, 2003, now recommends that said licenses be granted, subject to the following conditions:

a. the restaurant cannot open until the mechanical, electric, building and gas permits have been finalized by the Inspections Department.

b. the licensee agrees to build a larger water service to the building within six months. The licensee must notify the tenants that between the hours of 7:00 p.m. and 8:00 p.m. each evening they may experience a water pressure shortage.

c. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 10; Nays none.

Declining to Vote - Benson.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the application of Ecua-Mex Inc, dba Angel's Pizza, 805 E 38th St, for a Restaurant License (new business) to expire April 1, 2003, now recommends that said license be granted, subject to the following conditions:

a. the hours of operation shall be Sunday through Thursday 7:00 a.m. to 10:00 p.m.; and Friday and Saturday 7:00 a.m. to 11:00 p.m..

b. the licensee shall not provide entertainment of any type in the facility until the appropriate license has been granted.

c. the licensee must clean the business property and public areas within 100 feet of the property.

d. the licensee shall report persons loitering in and around the store to the Police Department (911).

e. the licensee understands that the City of Minneapolis will not approve a pay telephone on any exterior walls of the business. Any telephone hung on the exterior would be hanging over City right-of-way and would require permission of the Public Works Department.

f. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 10; Nays none.

Declining to Vote - Benson.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the application of Midori & John Flomer, dba Floating World Cafe, 3011 27th Av S, for a Restaurant License (new business) to expire April 1, 2003, now recommends that said license be granted, subject to the following conditions:

a. the restaurant cannot open until the mechanical, electric, building, plumbing, health and gas permits have been finalized by the Inspections and Licensing Departments.

b. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 10; Nays none.
Declining to Vote - Benson.
Absent - Schiff.
Passed December 30, 2002.
Approved January 2, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the application of Margaret Jane Spangler, 2920 15th Av S, for a Lodging House License to expire November 1, 2003, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances. Further, that the licensee be granted a variance from Section 244.1070 of the Minneapolis Code of Ordinances to allow cooking and microwaves.

Adopted. Yeas, 11; Nays none.
Absent - Schiff.
Passed December 30, 2002.
Approved January 2, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

PS&RS - Your Committee recommends granting the following applications for liquor, wine and beer licenses:

On-Sale Liquor Class A with Sunday Sales, to expire December 14, 2002

International Catering Inc, dba Atrium Cafe, 275 Market St #C25 (temporary expansion of premises December 14, 2002, 6:00 p.m. to Midnight, Franklin Bank-Mpls);

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2003

Kelber Catering Inc, dba Convention Center Food Service, 1301 2nd Av S (new shareholder/partner);

On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2003

Screaming Triangle LLC, dba Minneapolis Eagle, 515 Washington Av S (regular expansion of premises);

On-Sale Wine Class E with Sunday Sales, to expire April 1, 2003

Jakeeno's Inc, dba Jakeeno's Pizza and Pasta, 3555 Chicago Av (new business).

Adopted. Yeas, 10; Nays none.
Declining to Vote - Benson.
Absent - Schiff.
Passed December 30, 2002.
Approved January 2, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

PS&RS - Your Committee recommends granting the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of December 30, 2002, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 268456):

Amusement Devices; Christmas Tree; Grocery; Food Manufacturer; Restaurant; Sidewalk Cafe; Vending Machine; Gas Fitter Class A; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Lodging House; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Oil Burner Installer; Plumber; Refrigeration Systems Installer; Residential Specialty Contractor; Antique Dealer Class B; Tattooist/Body Piercer; Taxicab Limited; Taxicab Vehicle; Theater Zone III; Tobacco Dealer; Combined Trades; Valet Parking; and Wrecker of Buildings Class A.

Niziolek moved to amend the Petition, Page #44, Item #382, to refer back to the Public Safety & Regulatory Services Committee the application for a Restaurant License submitted by Fandhal Inc, dba Fandhal, 3025 E Franklin Av (new business). Seconded.

Adopted upon a voice vote.
The report, as amended, was adopted.

Yeas, 10; Nays none.
Declining to Vote - Benson.
Absent - Schiff.
Passed December 30, 2002.
Approved January 2, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

PS&RS - Your Committee recommends granting the following applications for gambling licenses, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling-Lawful Class B

Minnesota Amateur Rugby Foundation, dba Minnesota Amateur Rugby Foundation, 4909 Bryant Av S (Off-Site Gambling January 24, 2002 at Stasiu's, 2nd floor);

Minnesota Amateur Rugby Foundation, dba Minnesota Amateur Rugby Foundation, 4909 Bryant Av S (Off-Site Gambling January 31, 2003 at Stasiu's, 2nd floor);

Gambling-Lawful Class C

VFW Post 246 Ballentine Auxiliary, dba VFW 246 Ballentine Auxiliary, 2916 Lyndale Av S;

Gambling Lawful Exempt

Goldbrick Club, dba Goldbrick Club, 1811 University Av NE (Raffle February 17, 2003 at Jax Cafe, 1928 University Av NE);

Hopkins Education Foundation, dba Hopkins Education Foundation, 1001 Highway 7, Hopkins (Raffle March 1, 2003 at Hyatt Regency, 1300 Nicollet Mall).

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, to whom was referred back on November 22, 2002 a report regarding the Grocery and Meat Market Licenses held by New Meat Market, 1844 Central Av NE, and having received Findings of Fact, Conclusions and Recommendations arising from Technical Advisory Committee (TAC) hearings in 2001 and 2002 for violating the Food Code that resulted in a closure of the business due to hazardous health conditions, now recommends adoption of the following recommendations, as more fully set forth in said Findings, on file in the Office of the City Clerk and made a part of this report by reference:

a. the licensee will immediately abate all Food Code violations. Environmental Health will inspect the business within two weeks of the hearing, and if one critical violation is found, the licensee agrees to immediately close the business until it is free of any critical violations.

b. the licensee will surrender his Meat Market License until December 1, 2003. In an effort to reduce inventory of frozen meats, the licensee may sell frozen meats that require no preparation before December 8, 2002.

c. if there is evidence of meat thawing, cutting or any preparation, the licensee agrees to immediately surrender all licenses.

d. the City may consider accepting an application for a meat market license on June 1, 2003 if there are no more than one critical and three non-critical violations at the grocery store at each of the monthly inspections. Any new application for license at the address be submitted completely (including submitting plans) and be approved by the City before any meat operation begins.

e. the licensee shall pay a total fine of \$3,500 with \$1,000 being stayed.

f. the licensee may not repackage foods or sell/give away homemade food products and shall be limited to only prepackaged items at the grocery store.

g. if one of the owner's sons receives appropriate training approved by the Environmental Health Division, the store may request permission to repackage food at the grocery store. No such repackages are permitted until approval is granted by Environmental Health.

h. that no meat market license application will be approved until one of the licensee's sons who will be on the premises receives training approved by the Environmental Health Division.

i. that the licensee will not apply for the meat market license until he has the appropriate refrigeration equipment and other needed equipment available for such an operation.

j. the licensee understands that his space will not allow him to do both grocery repackaging and meat processing even under the best conditions, so that he must again sell only prepackaged grocery items if he applies for a meat market license.

k. the licensee agrees to seek assistance from a grocery store owner that is successful in operating its business and develop a mentoring relationship, to be approved by the Environmental Health Division. The licensee's son will attend the Environmental Health course designed for grocery store maintenance.

l. Environmental Health will inspect the business every month for a period of six months to ensure compliance.

m. the licensee will pay \$50 for the inspection of the business and will pay \$50 for the cancellation of an appointment with Environmental Health.

n. the licensee agrees to contract with a pest control professional.

o. if the licensee fails to meet any of the agreements, he will immediately surrender all licenses and cease operation.

Adopted. Yeas, 10; Nays none.

Declining to Vote - Benson.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the Restaurant License held by Hong Kong Noodles, 901 Washington Av SE, and having received Findings of Fact, Conclusions and Recommendations after the licensee agreed to forgo a Technical Advisory Committee (TAC) hearing thereon for violating Chapter 48 of the Minneapolis Code of Ordinances by dumping unauthorized products into the City's storm drain, and has stipulated that the Findings of Fact, Conclusions and Recommendations are true and correct, now recommends adoption of the following recommendations, as more fully set forth in said Findings, on file in the Office of the City Clerk and made a part of this report by reference:

a. the licensee shall pay an administrative penalty of \$5,000, with \$4,500 being stayed pending no same or similar violations within a one-year period; \$500 shall be due and payable upon signing the TAC agreement.

b. plans will be submitted to the Environmental Health Division and must be approved by December 30, 2002 that includes installation of a mop sink and utility area.

c. construction and installation of plans will be completed by March 30, 2003.

Adopted. Yeas, 10; Nays none.

Declining to Vote - Benson.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, to whom was referred back a report from the Public Safety & Regulatory Services & Zoning & Planning Committees on November 22, 2002 relating to Site Plan Review Permit SP-215 to allow an automobile sales business at 501 W Lake St, on file in the Zoning Office, and having under consideration the Motor Vehicle Dealer – Used Car (Additional Lot) License held by Auto Mart Inc, and having held hearings to determine whether the terms of said permit have been violated and whether the licensee has met the requirements of Minneapolis Code of Ordinances, Chapter 259 relating to *Licenses and Business Regulations: In General*, now recommends that SP-215 and the business license be revoked.

Adopted. Yeas, 10; Nays none.
Declining to Vote - Niziolek.
Absent - Schiff.
Passed December 30, 2002.
Approved January 2, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the Rental Dwelling License held by Stephen D. Farrell for the property located at 2025 Emerson Av N, and having received Findings of Fact, Conclusions and Recommendations arising from a Rental Dwelling License Board of Appeals hearing held on August 13, 2002, now recommends concurrence with the recommendation of the Board of Appeals that said license be revoked for failure to meet the licensing standard of conduct on licensed premises, pursuant to Section 244.2020 of the Minneapolis Code of Ordinances, as more fully set forth in said Findings which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted. Yeas, 8; Nays, 3 as follows:
Yeas - Colvin Roy, Zerby, Lilligren, Niziolek, Benson, Lane, Johnson, Ostrow.
Nays - Zimmermann, Johnson Lee, Goodman.
Absent - Schiff.
Passed December 30, 2002.
Approved January 2, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the Rental Dwelling License held by Howard Gangestad for the property located at 2211 Bryant Av N, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet the licensing standard of conduct on licensed premises, pursuant to Section 244.2020 of the Minneapolis Code of Ordinances.

Adopted. Yeas, 8; Nays, 3 as follows:
Yeas - Colvin Roy, Zerby, Lilligren, Niziolek, Benson, Lane, Johnson, Ostrow.
Nays - Zimmermann, Johnson Lee, Goodman.
Absent - Schiff.
Passed December 30, 2002.
Approved January 2, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the subject matter of a policy for the uniform enforcement of Liquor Code provisions prohibiting the sale of alcohol to underage individuals, now recommends that staff be directed to establish a working Task Force to spend six months discussing youth access to alcohol and compliance, to include the Downtown Command, Police License staff, the retail liquor industry that would be most affected, the Greater Minneapolis Convention & Visitors Association, and at least a representative of a downtown hotel. Further, that the current enforcement efforts would continue during the six-month period.

Colvin Roy moved to substitute the following report for the above report. Seconded.
Adopted upon a voice vote.

PS&RS - Your Committee, having under consideration the subject matter of a policy for the uniform enforcement of Liquor Code provisions prohibiting the sale of alcohol to underage individuals, now recommends that Police Licensing and Health & Family Support staff be directed to establish a working Task Force to include Council Member Goodman (Council Member Johnson as the alternate), the Downtown Command, the retail liquor industry that would be most affected, the Greater Minneapolis Convention & Visitors Association, a community advocate, and a representative of a downtown hotel, to spend six months discussing youth access to alcohol and issues of compliance and to report back to Committee with recommendations. Further, that the current enforcement efforts would continue during the six-month period.

Niziolek moved to amend the substitute report by inserting after the word "include" the language " , but not limited to,". Seconded.

Adopted upon a voice vote.

The substituted report, as amended, was adopted.

Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a COPS Methamphetamine Grant award of \$266,860 and execute a grant agreement with the United States Department of Justice, Office of Community Oriented Policing Services to combat methamphetamine trafficking and use in Minneapolis by allowing the Police Department to have educational materials and training updated, as well as increased enforcement efforts.

Your Committee further recommends passage of the accompanying Resolution appropriating \$266,860 to the Police Department Agency to reflect receipt of said grant funds.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-493

By Niziolek and Johnson

Amending The 2002 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-C001) by \$266,860 and increasing the Revenue Source (030-400-C001 – Source 3210) by \$266,860.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$20,136 and execute a grant agreement with the Minnesota Department of Economic Security to fund the sub-recipient Walker Community Methodist Church Neighbor to Neighbor Youth Family Group Conferencing Program, a community-based restorative justice program for qualifying first-time juvenile offenders.

Your Committee further recommends passage of the accompanying Resolution appropriating \$20,136 to the Police Department to reflect receipt of said grant funds.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-494
By Niziolek and Johnson

Amending The 2002 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-C011) by \$20,136 and increasing the Revenue Source (030-400-C011 – Source 3210) by \$20,136.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute an amendment to the contract with the Minneapolis Police Athletic League to extend the contract period to coincide with the federal grant funding awarded by the United States Department of Justice – Justice Based After-School Program to fully expend grant funds to develop an after school academic and athletic program.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget - Your Committee, having under consideration the implementation of the Development Services interim One-Stop Shop, now recommends adoption of the following recommendations to allow implementation by June 1, 2003:

a. by April 1, 2003, assign staff from the Fire Prevention Unit to the interim One-Stop Shop. Delegation of Fire Code enforcement authority shall remain with the Fire Marshal through the Fire Chief, and the day-to-day scheduling and work assignments shall be transferred to Regulatory Services/Development Services.

b. by April 1, 2003, assign the appropriate staff from the Minneapolis Community Development Agency (MCDA), Licenses & Consumer Services, and the Police Department's Crime Prevention through Environmental Design Unit to the interim One-Stop Shop. Numbers of personnel and functions served will be determined by the departments involved.

c. by April 1, 2003, include in the Planning Department contingent, located in the interim One-Stop Shop, at least one Full-Time Equivalent staffing from the Heritage Preservation Commission (HPC).

d. before June 1, 2003, assign Public Works site plan review staff to the interim One-Stop Shop. The actual number of staff and timing will be determined following discussions with Public Works.

e. direct the Facilities, Space and Asset Management Committee and Regulatory Services to coordinate the consolidation of appropriate staff and functions related to the interim One-Stop Shop in the Public Service Center. Said consolidation may require relocation of City staff to other available spaces. Costs related to the relocation, reconfiguration and equipment for the interim One-Stop Shop, estimated at \$50,000, will be funded from 2002 year end budget savings from Regulatory Services, the Planning Department, the Fire Department and Public Works.

f. that Public Works Property Services staff be directed to identify and implement alternative parking arrangements to create a customer service parking lot between the City of Lakes Building and the Public Service Center by June 1, 2003. Costs related to the creation of said parking lot are being estimated by Public Works Property Services and would be funded from the City's 2002 year end budget savings from Public Works, Human Resources, Health & Family Support, the Planning Department, the Fire Department, and Regulatory Services.

g. that City staff be directed to implement the Integrated Development Workflow Management System and Land Information Data Quality Projects. To accomplish these improvements by June 1, 2003, staff from Regulatory Services, the Planning Department, the Fire Department, Public Works, MCDA, the Assessor's Office, the Management Analysis Division, and Information & Technology Services (ITS) be directed to participate in the implementation group by January 1, 2003, with a report back to Committee with a work plan by March 1, 2003.

h. that City staff be directed to submit interim progress reports to Committee regarding the status of these changes and the creation of the Development Services interim One-Stop Shop.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee, to whom was referred an Ordinance amending Title 5, Chapter 95 of the Minneapolis Code of Ordinances relating to *Building Code: Projections and Encroachments*, allowing for partial removal of areaways and giving the City Engineer more latitude on how they shall be modified, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends summary publication of the above-described Ordinance.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-194 amending Title 5 of the Minneapolis Code of Ordinances relating to *Building Code: Projections and Encroachment*, allowing for partial removal of areaway and giving the City Engineer more latitude on how they shall be modified, was passed December 30, 2002 by the City Council and approved January 2, 2003 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete copy of the unpublished summarized ordinance.

ORDINANCE 2002-Or-194

By Colvin Roy

1st Reading: 11/22/2002

Ref to: T&PW

2nd Reading: 12/30/2002

Amending Title 5, Chapter 95 of the Minneapolis Code of Ordinances relating to Building Code: Projections and Encroachments.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 95.90 (b), (c), (d) and (e) of the above-entitled ordinance be amended to read as follows:

95.90. Areaways.

(b) ~~New areaway~~ construction or modification of areaway. No areaway shall be constructed or modified without an encroachment permit issued by the city clerk. Persons seeking an encroachment permit for an areaway shall submit an application before they apply for a building permit and shall submit their plans, including present and proposed top-of-curb profiles and other pertinent information, for the city's review regarding compliance with the following conditions and restrictions:

- (1) No areaway shall be permitted in any alley right-of-way or in the roadway portion of any street (from the back of the curb to back of curb, or, if a new layout plan for a street has been approved by the city council, then between the proposed backs of curbs).
- (2) No areaway shall be permitted in the sidewalk utility corridor, which is the five (5) foot wide portion of the public right-of-way parallel and adjacent to the back of the curb and having a depth of nine (9) feet measured from the top of the curb. No areaway shall extend more than twelve (12) feet into the public right-of-way as measured from the property line. Further, the areaway shall not serve as an essential support function for the adjacent building, so that the areaway can be readily removed without affecting the structural integrity of the adjacent building or other essential support systems to said building.
- (3) The minimum granular cover material between the top of the areaway and the bottom of the sidewalk or driveway, shall be six (6) inches at the property line. Further, said cover shall uniformly increase by sloping the areaway roof downward way from the property line at a minimum rate of three-fourths (3/4) inch per foot advancing into the right-of-way.
- (4) No opening of any kind, including, but not limited to, stairways, chutes, and ventilation openings, shall be allowed from the public sidewalk into the areaway.
- (5) The walls of the areaway shall be of adequate strength and sufficiently braced with cross walls to resist all lateral and vertical loads, including but not limited to earth loads, hydrostatic loads, vehicular loads and loads imposed by the structure.
- (6) The areaway shall be constructed of reinforced concrete or other suitable material adequate to safely carry the design load, including the capability of sustaining a concentrated live load of ten thousand (10,000) pounds on any area not exceeding six (6) inches square. All materials shall be corrosion-resistant.
- (7) The shutoff (stop box) for all water supply lines shall be outside of and at least two (2) feet from the areaway walls and no such areaway shall interfere with pipes, sewers, conduits or other underground construction of the city or any public service corporation.
- (8) Areaway roofs less than three (3) feet from the surface shall be insulated with a suitable material so as to prevent the melting and refreezing of snow caused by heat loss to the sidewalk or utility corridor above.

Upon completion of the city staff review, the application for an areaway encroachment permit will be forwarded to the city clerk for approval or denial. After city clerk approval of the encroachment permit, the requesting party shall obtain a building permit prior to constructing said areaway.

Any modification of an existing areaway shall be performed in compliance with the requirements of section (b) above, as well as the additional requirements set forth for existing areaways in section (c) below as determined by the city engineer.

(c) *Existing areaway compliance.* All areaways or the remains of areaways, in existence prior to January 1, 1990, shall be allowed to remain in place until such a time as the city engineer may require that the areaway be modified or abandoned to accommodate projects for the public good, including, but not limited to, the following projects: Sidewalk, including condemned sidewalk replacement, curb, gutter, street pavement, utility, street lighting system, traffic signal system, and streetscape. When an areaway must be modified or abandoned for such purpose, the city engineer shall notify the property owner of the existing or potential areaway conflict. The property owner shall, within two (2) weeks, respond to the city engineer's notice and provide a schedule satisfactory to the city engineer for completing the required work. Should the property owner fail to supply a satisfactory schedule or follow through with the approved schedule, the city council may direct the city engineer to abandon said areaway in its entirety and may assess all associated costs against the property adjoining the areaway and such assessment shall be levied and collected in the same manner as special assessments under Chapter 10, Section 8 of the Charter of the City of Minneapolis. Before the city council orders the city engineer to abandon an areaway, it shall hold a public hearing on the matter and shall provide the owner of the areaway fourteen (14) days written notice of the hearing, specifying the time and place thereof.

An areaway or the remains of an areaway adjacent to a vacant lot, shall be abandoned and removed whenever a new building is constructed on any such vacant lot.

All areaways or the remains of areaways in existence prior to January 1, 1990, shall remain in compliance with the following requirements:

- (1) All existing stairway areaways or open areas shall be properly protected by smooth iron or brass railing with iron gates at the tops of all such stairways. If such stairways occur at street corners, they shall be rounded off so that they shall have a radius not exceeding the distance that said stairways project into the sidewalks, measured at right angles to the front or sides of the building.
- (2) Areaways for ventilation shall not exceed four (4) feet by four (4) feet and shall be covered with a steel grating having openings not over one and one-fourth (1 1/4) inches wide.
- (3) Coal chutes, ash hoists or similar openings shall not exceed three (3) feet four (4) inches by five (5) feet, and shall be covered with suitable covers or doors, having a rough surface which shall be approved by the city engineer and having hinges and other hardware flush with top surface.
- (4) The covers over sidewalk areas mentioned in subsections (2) and (3) above shall be designed to carry a live load of one hundred fifty (150) pounds per square foot and when constructed in an alley right-of-way shall be designed to carry a concentrated load of six thousand (6,000) pounds on an area not exceeding six (6) inches square. When not opened, all such covers shall be securely locked in place. The walls around such areaways shall be of masonry or reinforced concrete of adequate strength to resist all stresses.
- (5) Existing areaways larger than those permitted above or areaways to be used for other purposes shall not be allowed to remain unless a special permit was issued by the city council prior to January 1, 1990, and unless said areaways remain in compliance with the following requirements: The walls shall be of adequate strength and sufficiently braced with cross walls to resist all lateral and vertical loads; the sidewalk or roadway over areaways shall be constructed of steel, reinforced concrete or brick arches, adequate to safely carry at least one hundred fifty (150) pounds per square foot and if such surface is used as a roadway, shall also be capable of sustaining a concentrated load of six thousand (6,000) pounds on any area not exceeding six (6) inches square; the top surface of such sidewalk or roadway shall be smooth and flush, but shall not be slippery when wet; the controls on all water supply lines shall be outside of and at least two (2) feet from the retaining walls of such areas and no such areas shall interfere with any pipes, sewers, conduits or other underground constructions of the city or any public service corporation.

All areaways to be modified shall be designed to meet all applicable state and local building codes by a design engineer who shall be a qualified civil or structural engineer, licensed by the State of Minnesota as a professional engineer. Inspection of the work shall be provided during construction by or under the direct supervision of a qualified engineer, licensed by the State of Minnesota as a professional engineer, so as to ensure that the work performed conforms to the design documents and all applicable state and local building codes. Said design and construction inspection engineer(s) shall be selected, hired and paid by the owner of the areaway.

(d) *Abandonment of areaways.*

- (1) Partial removal permitted. Partial removal of an abandoned areaway is allowed only if the city engineer or his designee determines that a partial removal would better serve the public good for reasons including, but not limited to, avoidance of extensive excavation into roadways, minimizing disruption to vehicular traffic and minimizing disruption to pedestrian traffic.

Partial removal of an areaway shall require the demolition and complete removal of the areaway roof, floor and upper portion of the walls. The upper portion of the walls shall be defined as the top of wall to an assumed horizontal line five (5) feet below the bottom

of the sidewalk or driveway at the property line. The remains of the areaway shall continue to be the responsibility of the abutting property owner and shall be subject to complete removal when the adjacent building is being demolished or for projects for the public good as set forth in paragraph (c) of this section. Property owners shall be required to file an affidavit with city engineer verifying the existence of the areaway remains and stipulating to the property owner's responsibility for its ultimate removal. The areaway's encroachment permit shall be maintained so long as the partial remains of the areaway are in existence. If the areaway does not have an encroachment permit, one must be obtained before the partial removal can proceed.

- (2) Complete removal required. Unless the city engineer determines that a partial removal would better serve the public good, Areaways that are to be abandoned shall be completely removed from city right-of-way, subject to demolition permit requirements. Areaways that are to be abandoned shall be completely removed from city right-of-way, subject to demolition permit requirements. An areaway adjacent to or part of a building being demolished shall also be demolished, unless it is to be incorporated into a new structure. Existing areaways so utilized must be modified to be consistent with the above said new areaway construction requirements in subsection (b) above.

All areaways to be abandoned in their entirety or partially removed shall be designed to meet all applicable state and local building codes by a design engineer who shall be a qualified civil or structural engineer, licensed by the State of Minnesota as a professional engineer. Inspection of the work shall be provided during construction by or under the direct supervision of a qualified engineer, licensed by the State of Minnesota as a professional engineer, so as to ensure that the work performed conforms to the design documents and all applicable state and local building codes. All costs associated with the services provided by said design and construction inspection engineer(s) shall be the responsibility of the areaway owner.

(e) *Safety inspection and certification of areaways.* All areaways shall be inspected when they become thirty-five (35) years of age, and every ten (10) years thereafter, by an inspecting engineer who shall be a qualified civil or structural engineer, ~~registered~~ licensed by the State of Minnesota as a professional engineer. Said inspecting engineer shall be selected, hired and paid by the owner of the areaway, to determine whether said areaway is capable of carrying the required loads and is otherwise structurally sound and in compliance with the provisions of this section.

The inspecting engineer shall make an engineering report of findings which shall consist of the following: (i) a statement as to whether or not the areaway is capable of carrying required loads, is structurally sound and is in compliance with the requirement of Subsection (c) for areaways constructed prior to January 1, 1990, or Subsection (b) for areaways constructed on or after January 1, 1990; and (ii) a list of the modifications, if any, that must be made in order to make the areaway capable of carrying required loads, structurally sound and in compliance with the appropriate Subsection (b) or (c) as stated above; and (iii) a signed signature paragraph, stating the inspection and report was done by or under direct supervision of the inspecting engineer who is a duly ~~registered~~ licensed professional engineer under the laws of the State of Minnesota. In lieu of extensive modifications, the owner of the areaway may opt to make lesser modifications and more frequent engineering report of findings inspections, all as recommended by the inspection engineer, and included as an option in the engineering report of findings; provided, that such lesser modifications shall, in any event, incorporate sufficient structural and safety features to satisfy the appropriate subsections (b) or (c). In all cases, the full list of modification to meet the requirement (ii) above, must be submitted to the director of inspections.

The director of inspections or designee shall visually inspect all areaways when they become twenty (20) years of age and every ten (10) years thereafter. If, on such visual inspection, the inspector notices deterioration of the areaway, the director may require the owner to have it inspected forthwith and periodically thereafter by an inspecting engineer in the same manner and under the same requirements as set forth above for areaways which are thirty-five (35) years of age or more.

The director of inspections shall, within one hundred twenty (120) days following the publication of this ordinance, mail a notice to the owners of all areaways for which there is an encroachment permit, notifying them of the requirements of subsection (e) and (f). Thereafter, as areaways are required to be inspected pursuant to this subsection, the director of inspections shall mail a notice to the owner of the areaway at least ninety (90) days prior to the date an engineering report of findings inspection is due to be made and thirty (30) days prior to the date of a visual inspection. The owner shall be required to submit to the director of inspections the engineering report of findings from the inspecting engineer on or before the date set forth in the notice. If the engineering report of findings requires modifications to be made, the owner shall also submit with the engineering report of findings, a time schedule for making the modifications. In no event shall the time schedule exceed one (1) year for the completion of all recommended modifications.

This subsection (e) shall apply to all areaways in existence prior to the effective date of this ordinance as well as those constructed after the effective date. For areaways in existence at the effective date of this ordinance, the initial implementation for both the visual inspection and engineering report of findings inspection, shall be done in an orderly manner as scheduled by the director of inspections with the general direction that the primary intent of this subsection is to require inspections of the areaways at the regular intervals, as stated above, and that the dates of the inspections, in relation to the age of the areaways, is secondary and reasonably adjustable. Whenever the age of an areaway is not readily ascertainable, the director of inspections shall use reasonable and best efforts to estimate the age of the areaway. Said estimated age shall then be used for the purpose of setting inspection schedules, as stated above. The areaway owner may, for whatever reason, have an engineering report of findings inspection done at any time. Once the engineering report of findings is submitted to the director of inspections and the fee is paid, the future inspection schedule shall be adjusted, maintaining the frequencies of visual inspections and engineering report of findings inspections, as described above, without regard to the actual age of the areaway.

Whenever the city engineer or the director of inspections becomes aware of any areaway for which there is no encroachment permit, the city engineer shall send a written notice to the owner of the areaway, setting forth the requirements of this subsection. Also included in the notice shall be the requirements of an encroachment permit for the areaway. Within sixty (60) days after the city engineer has sent the written notice to the owner, the owner shall submit a completed encroachment permit application and an engineering report of findings by the owner's inspecting engineer as required by this subsection, if the areaway is more than thirty-five (35) years of age. If the areaway is between twenty (20) years and thirty-five (35) years of age, the director of inspections, or designee, will conduct a visual inspection of the areaway. The owner shall comply with all provisions of this section relating to the making of necessary modifications to the areaway in the same manner and time schedule as required herein as to owners who have an encroachment permit. The owner shall also comply with all of the encroachment permit requirements of this chapter applicable to areaways. Should the owner fail to comply with these requirements, no encroachment permit shall be issued and the owner of the areaway may be ordered by the city council to remove the areaway pursuant to section 95.20 of this chapter.

The city council may revoke any previously issued encroachment permit for the failure to comply with the provisions of this section, including the failure to cause the required areaway inspections to be made or the failure to make the necessary modifications within the submitted time schedule. Upon revocation of such permit, the owner of the areaway may be ordered by the city council to remove it pursuant to section 95.20.

This subsection (e) shall not apply to any areaway that is appurtenant to a parking ramp for which an operating certificate has been issued and is currently in effect pursuant to Chapter 108 of this Code.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends that the following persons be appointed to the 48th Street East and Chicago Avenue South Special Service District Advisory Committee for a two year term to expire December 31, 2004.

Michael C. DeMoss	6950 France Av. S.	DeMoss Law Office
James D. Pratt	4948 Elliot Av. S.	Karim Inc dba Adrian's Tavern
Terra Girard	3308 36th Av. S.	South Side Chiropractic, PA
Joyce Tesare	4708 13th Av. S	Minnehaha Animal Hospital
Winnifred Chistopherson	4339-41 Av. S	Parkway Hardware Inc.
Richard J Pitheon	809 E 48th St.	Dick's Metropolitan Carpet, Inc.
Harvey T McLain	4752 Thomas Av. S.	Turtle Bread

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having Easement Agreement with Metropolitan Council, now recommends that the proper City officers be authorized to execute an Easement Agreement with the Metropolitan Council to allow the placement of a communications bungalow for the Hiawatha Light Rail Transit Line within the Government Center Municipal Parking Ramp.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee recommends that the proper City officers be authorized to execute an intergovernmental agreement with the Metropolitan Council providing for inspection and maintenance of the private fire hydrant located at the new maintenance facility for the LRT located at 835 17th Avenue South.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee recommends passage and summary publication of the accompanying Resolution authorizing the proper City officers to execute an amendment to the Memorandum of Understanding (MOU) with the Metropolitan Council to increase the total cost of a joint Combined Sewer Overflow study to \$683,718.42, increasing the City's share of the cost of the joint study to \$305,319.79 and make other modifications to the MOU as necessary to complete the study.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-495, authorizing execution of an amendment to the Memorandum of Understanding with Metropolitan Council relating to Combined Sewer Overflows, was passed December 30, 2002 by the City Council and approved January 2, 2003 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2002R-495

By Colvin Roy

Authorizing execution of an amendment to the Memorandum of Understanding (MOU) with Metropolitan Council relating to Combined Sewer Overflows (CSO).

Whereas, the City entered into an agreement with the Met Council titled Memorandum of Understanding (MOU) Relating to Combined Sewer Overflow Elimination Efforts in May 2000; and

Whereas, the MOU with the Met Council outlined joint and separate efforts to address Combined Sewer Overflows which included both parties funding a joint CSO Evaluation Study (Study); and

Whereas, the Study was completed in April 2002 to the satisfaction of both parties at a cost in excess of the amount agreed to in the MOU.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to execute an amendment to the Memorandum of Understanding with Metropolitan Council to increase the total cost of the joint study to \$683,718.42; increase the City's share of the cost of the joint study to \$305,319.79; and make other modifications to the MOU as necessary to complete the Study.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having under consideration the installation of overhead traffic signal indications at various intersections, now recommends that the proper City's officers be authorized to execute Agreement PW 12-20-02 with Hennepin County in the amount of \$22,614.50 for installation of overhead traffic signal indications for Park Avenue at the intersections of Park Avenue South (CSAH 33) and East 35th Street (MSA 249) and Park Avenue South (CSAH 33) and East 36th Street (MSA 251) by city forces.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having received recommendations of the Minneapolis Downtown Council regarding appointments/reappointments to the Nicollet Mall Advisory Board, now recommends approval of the following appointees to serve two-year terms, commencing on January 1, 2003:

- David Chad, Facilities Area Leader, Xcel Energy, Inc. (Xcel Energy Inc. Headquarter and Renaissance Square Building);
- William Chopp, Vice President of Operations for Midwest and Southeast Regions, Hines (Wells Fargo Center and 50 South 6th Street);
- Ward Gill, Chief Operating Officer, Minnesota Orchestral Association (Nonprofit alternate representative);
- Robert Greenberg, President, The 614 Company (Young Quinlan Building);
- Nancy Hite, Executive Director, Minneapolis YWCA (Nonprofit representative);
- David Johnson, Director of Operations, Brookfield Properties US, LLC (Dain Rauscher Plaza, Minneapolis City Center 33 S 6th Street, Gaviida Common I and II);
- John Kelly, Vice President, Property Management, Ryan Companies US, Inc. (AT&T Tower, Retek on the Mall, Essex Building);

- Thomas Mason, General Manager, Hyatt Regency Hotel and Hyatt Whitney Hotel (Hyatt Regency Hotel);
 - Wade Opland, Store Manager, Marshall Field's (Marshall Field's and Target Stores)
 - Karl Reichert, Consultant, 1200 on the Mall (Residential Representative);
 - David Sternberg, Managing Director, Midwest, RREEF Inc. (IDS Center and Marquette Hotel);
 - Paul VanValkenburg, Retired Attorney, Westminster Presbyterian Church (Nonprofit representative);
 - David Wilkin, Senior Vice President, Strategic Business Development, ING (Three buildings at the north end of the Mall);
- Ex Officio Members (Nonvoting)
- Colleen Marshall, Designee of the Public Works Finance Director; and
 - Brian Lokkesmoe, Designee of the City Engineer, Director of Public Works.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee, now recommends the following actions to change the traffic conditions along and near McNair Avenue North as follows:

- a) Remove all traffic barriers on McNair Avenue North, 24th Avenue North, and the alley between McNair and 23rd Avenue North;
- b) Re-install the four-way stop at the McNair/Queen/Ferrant intersection that existed prior to the barricade installation;
- c) Remove all trail-blazing signs associated with the street barricade closures;
- d) Return the alley between Ferrant Place and 24th Avenue North to a two-way operation;
- e) Create a one-way southbound alley from McNair Avenue North to 23rd Avenue North; and
- f) Continue on-going discussions with Ward 5 office regarding future traffic calming ideas.

By unanimous consent, the above report was postponed to the City Council meeting to be held December 31, 2002.

T&PW - Your Committee, having under consideration the update on the Asphalt Plant, now recommends the following:

1. Purchase hot-mix asphalt through competitive bids on the private market for the 2003 construction season;
2. Continue operations at the City's asphalt plant to the extent necessary during the 2003 construction season for the sole purpose of eliminating existing stockpiled products used for the production of hot-mix asphalt;
3. Upon the elimination of the existing stockpiled products, suspend operations at the asphalt plant for a maximum of one year;
4. During this one-year period, Public Works staff is directed to further evaluate the options available for providing City crews with hot mix asphalt in the most economical manner, and report back no later than the fall of 2003 with a recommendation regarding permanent closure of the facility.
5. Direct Public Works staff to aggressively pursue the public/private partnership concerning an asphalt plant authorized by the Legislature in 2002, to supply potential partners with the most recent estimates of the City's asphalt needs, and report back to Transportation & Public Works within three Council cycles concerning the results of these discussions.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee now recommends that the City of Minneapolis shall continue to encourage the use of a standard parking sign containing the universal "P" at the entrance to public and private parking facilities by approving the creation of leases on City right of way for their use. The Director of Public Works Transportation and Parking Services shall be authorize to execute amendments to extend existing "P" Sign lease or create new leases as may be required to allow the use of "P" signs. Funds received will be put into 7500-685-SIGN-3715-02, expenses incurred are drawn from the same account.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration the Pump Station No. 5 discharge header replacement, now recommends that the proper City officers be authorized to execute Change Order #1 to the contract with Shank Constructors, Inc., due to changes in the project scope, increasing the amount by \$178,417 and extending the time period until completion, with funding available under 7400-950-9515-D5298050.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration the facility and site improvements at 6024 Harriet Avenue South, now recommends that the proper City's officers be authorized to execute Change Order No. 1, to Contract No. C-18384 with CM Construction Company, Inc. increasing the contract by \$16,698 for a new total of \$668,498 with no additional appropriation required.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration the Downtown East Light Rail Transit (LRT) Station Block Development Public Infrastructure Project - Parking Ramp, now recommends that the proper City officers be authorized to execute Change Order Numbers 1 through 13, increasing Contract #17006 with Penn-Co Construction, Inc. by \$283,073.56, for a new contract total of \$14,155,293.71, with funding available from the project contingency for the Downtown East LRT Parking Ramp Project.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration the Minneapolis Police Department Third Precinct Facility Project, now recommends that the proper City officers be authorized to execute an increase in Contract #018465 with RSP Architects for architectural/engineering services for the design of the project, by \$92,000 for a new total of \$462,000, due to changes in the scope of the project, with no further appropriation required.

Adopted. Yeas, 11; Nays none.
Absent - Schiff.
Passed December 30, 2002.
Approved January 2, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration the 70 MGD Ultrafiltration Plant at the Columbia Height Filtration Plant, now recommends that the proper City officer be authorized to extend the duration Contract #9078 with a consortium of engineering firms headed by HDR Engineering, Inc. to December 31, 2003, with no additional appropriation required.

Adopted. Yeas, 11; Nays none.
Absent - Schiff.
Passed December 30, 2002.
Approved January 2, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee recommends acceptance of OP #5991, submitted by Aspen Aerials, Inc, in the amount of \$424,240, to furnish and deliver an under bridge inspection vehicle, all in accordance with City specifications and as further outlined in Petn No. 268463 contingent on approval of the Civil Rights Department.

Adopted. Yeas, 11; Nays none.
Absent - Schiff.
Passed December 30, 2002.
Approved January 2, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration the Water Infrastructure Security Grant, now recommends authorizing appropriation of the grant funds in the amount of \$115,000 to the Minneapolis Water Works Department to its Security Program.

Adopted. Yeas, 11; Nays none.
Absent - Schiff.
Passed December 30, 2002.
Approved January 2, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee recommends passage and summary publication of the following Resolution authorizing an appropriation increase for the intersection redesign on Huron Boulevard at Fulton Street SE, Special Improvement of Existing Street No 6680.

Adopted. Yeas, 11; Nays none.
Absent - Schiff.
Passed December 30, 2002.
Approved January 2, 2003. R.T. Rybak, Mayor.
Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-496
Colvin Roy and Johnson

Amending the 2002 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the PW-Paving Construction Capital Appropriation in the Permanent Improvement Projects Fund by \$17,000 (4100-937-9372) for the Intersection Redesign on Huron Boulevard at Fulton Street SE,

Special Improvement of Existing Street No. 6680 and increasing the Assessment Bond Fund (4100-937-9372-3910) in the amount of \$17,000 for the revenue increase.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration the bid received on OP #5965, for the Heritage Park Phase I - Group A Park Improvements and Storm Water Treatment and as further outlined in Petn No 268464 on file in the Office of the City Clerk, now recommends:

T&PW - That the bid be rejected, and the proper City officers be authorized to establish a rebid for said project.

W&M/Budget - Acceptance of the bid received on OP #5965 submitted by Veit & Company in the amount of \$2,305,936.78, to complete all works in accordance with City specifications.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract all in accordance with specification prepared by SRF Consulting Group, contingent on approval of the Civil Rights Department.

Colvin Roy moved to amend the report to approve the Ways & Means/Budget Committee recommendation and delete the recommendation of the Transportation & Public Works Committee. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration the method of sale for the City-owned property at 4201 Cedar Avenue South which is a vacant building that was the previous site of the old Fire Station 13, now recommends the sale of the property by sealed bid to the highest bidder.

Your Committee further recommends that staff be directed to apply for local landmark designation and to have it listed on the National Register of Historic Places. The cost of these applications, in the range of \$2,000 to \$5,000, to be funded by the Planning Department from remaining 2002 funds.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee recommends that the proper City officers be authorized to extend the following contracts for projects in the Information and Technology Services (ITS) Division:

- a) Extend Contract C-17010 with Bentley Systems through July 31, 2003;
- b) Extend Contract C-16220 with ESRI Corporation through December 31, 2003;
- c) Extend Contract C-17865 with Praeses Corporation through December 31, 2003.

The ITS Division has sufficient funds in their budget (6400-880) for the contracts.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration the GASB 34 Project that will bring the City into compliance with required financial accounting standards, now recommends that the proper City officers be authorized to:

a) Spend an additional \$200,000 for contractual services for GASB 34 compliance efforts through the fourth quarter of 2002, as provided for in the amended budget for the project that was previously approved by the Council;

b) Increase Professional Services Agreement No. C-17340 with Deloitte & Touche, LLP by \$250,000 so that the contract amount will balance with the current project budget.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a distributive share of \$10,000 from the Last Will and Testament of Margaret A. Moore for deposit into the General Fund (0100-126-1260) to be used exclusively in the event of a natural disaster for emergency relief.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the City Attorney that following legal claims be settled as indicated:

a) Wajda and L & L Towing, by payment of a judgment in the amount of \$22,767.47 and interest on the judgment amount computed at the rate of \$1.21 per day from September 13, 2002 to the date of payment;

b) Tyrone Robinson, by payment in the amount of \$27,250 to Tyrone Robinson and Mollie Robinson and their attorney, Keith D. Johnson, and \$1,000 to the State of Minnesota for medical expenses.

All payments are payable from the Self-Liability Fund (6900-150-1500-4000).

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration a report passed by the Council on March 22, 2002 authorizing receipt of grant funds from the Minnesota Department of Natural Resources to be used by the Minneapolis Park and Recreation Board (MPRB) for the Winchell Trail project and having been informed that MPRB has received the funds directly, now recommends that said action be rescinded and passage of the accompanying resolution decreasing the appropriation and revenue increases to reflect that funds were not received through the City.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2002R-497

By Johnson

Amending The General Appropriation Resolution of 2002.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) Decreasing the revenue budget for the Non-Departmental Agency in the Grants - Other Fund (0600-123-1232 - Revenue Source 3215) by \$100,000;

b) Decreasing the appropriation for the Interfund Transfer Agency in the Grants - Other Fund (0600-127-1270-195T) by \$100,000 and amending the MPRB Operating Budget to reflect the decrease in transfer of funds by \$100,000.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Director of Human Resources for approval of the following based on the results of a classification study of the position of Chief, Fire Department:

a) That said position be reclassified to a new position entitled Chief, Fire and Emergency Preparedness (Grade 18 - 810 points) effective May 24, 2002;

b) Reclassification of the incumbent, Rocco Forte, along with the position effective May 24, 2002, resulting in an increase in the incumbent's 2002 annual salary from \$111,296 to \$117,486 (to be reduced to \$114,288 due to the Governor's Salary Cap);

c) Passage and summary publication of the accompanying Salary Ordinance establishing the salary rate for the reclassified position, effective May 24, 2002.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-195 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the salary for the reclassified position of Chief, Fire and Emergency Preparedness, was passed December 30, 2002 by the City Council and approved January 2, 2003 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2002-Or-195

By Johnson

1st & 2nd Readings: 12/30/2002

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP)

Effective May 24, 2002

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" Year	Step C After 2 "B" Years	Step D After 3 "C" Years
E	1	Chief, Fire and Emergency Preparedness	A	\$108,361	\$114,064	\$117,486	\$119,767

Section 2: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP)

Effective: January 1, 2003

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" Year	Step C After 2 "B" Years	Step D After 3 "C" Years
E	1	Chief, Fire and Emergency Preparedness	A	\$111,612	\$117,486	\$121,011	\$123,360

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration the City's arrangement with Hennepin County to provide a Minneapolis Police Department investigator to the Hennepin County Attorney's Office with Hennepin County reimbursing the City for the cost of the investigator, now recommends that the proper City officers be authorized to:

a) Amend Contract #018038 with Hennepin County by increasing the amount of funds reimbursed to the City from \$67,200 to \$92,200 to reflect actual costs in 2002; and

b) Execute a new contract with Hennepin County for payment to the City of \$94,760 for investigator services in 2003.

All funds are payable to the Revenue Fund (0100-400-C101).

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration the request of Time Warner Cable for the City's approval of the transfer of the Minneapolis Cable Communications Franchises to the control of a new corporation and having postponed action on said request, now recommends that the City accept the offer of Time Warner Cable to extend the deadline for consideration of the matter from January 5, 2003 to January 21, 2003 (as indicated in Petn No 268471.1 on file in the Office of the City Clerk).

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved December 30, 2002. P. Ostrow, Acting Mayor.

Attest: M. Keefe, City Clerk.

(Published January 2, 2003)

W&M/Budget - Your Committee, having under consideration Financial Management Policies adopted by the City in 1988 and having received an updated policy document provided by the

Finance Officer that clarifies the policies and eliminates obsolete practices, now recommends that said updated Financial Management Policies (Petr No 268467) be adopted.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee, having under consideration the results of a request for proposals process and the recommendation of the Chief Information Officer that the proper City officers be authorized to negotiate and execute a managed services contract with Unisys Corporation for the City's Information and Technology Services (ITS) Technology Operations, for a contract period of January 1, 2003 through December 31, 2009 and in an amount not to exceed \$56,000,000, now recommends that the matter be sent forward without recommendation.

Lane moved to amend the report by deleting the language "sent forward without recommendation" and inserting in lieu thereof the word "approved". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 9; Nays, 2 as follows:

Yeas - Colvin Roy, Zimmermann, Zerby, Lilligren, Niziolek, Benson, Goodman, Lane, Ostrow.

Nays - Johnson Lee, Johnson.

Absent - Schiff.

Passed December 30, 2002.

Approved December 30, 2002. P. Ostrow, Acting Mayor.

Attest: M. Keefe, City Clerk.

(Published January 2, 2003)

W&M/Budget - Your Committee, having under consideration the recommendation of the Director of the Human Resources Department to rescind the action of the City Council of November 22, 2002 authorizing salary scale adjustments for the City's appointed and non-represented positions for years 2003, 2004 and 2005 and including certain Public Works Engineer Director positions within the appointed list, now recommends that said matter and passage of the accompanying Ordinance repealing the previous action be sent forward without recommendation.

Johnson moved to amend the report by deleting the language "that said matter and passage of the accompanying Ordinance repealing the previous action be sent forward without recommendation" and inserting in lieu thereof the following:

"a) That said action that granted salary increases of 3% for 2003, 2.75% for 2004 and 2.25% for 2005 be rescinded and passage of the accompanying Ordinance repealing the action that included certain Public Works Engineer Director positions within the appointed list;

b) That action be delayed to provide a possible salary increase for 2003 until the Mayor presents his recommendations for the five-year Financial Direction Resolution; and

c) That reconsideration of possible salary increases for 2003 for appointed and non-represented employees will occur after a pattern of collective bargaining agreement (CBA) settlements is established for general wage increases, if any, for 2003." Seconded.

The report, as amended, was adopted.

Yeas, 10; Nays, 1 as follows:

Yeas - Colvin Roy, Zimmermann, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Lane, Johnson, Ostrow.

Nays - Goodman.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Republished February 7, 2003)

ORDINANCE 2002-Or-196
By Johnson
1st & 2nd Readings: 12/30/2002

Repealing a portion of Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the following language in Section 20.10.01 of the above entitled ordinance be and is hereby repealed.

~~Appointed Officials - Professional Engineers~~
~~Effective: January 1, 2003~~

FLSA			Step-A	Step-B	Step-C	Step-D
JobOTC	CLASSIFICATION	P	Start rate	After 1	After 2	After 3
				"A" year	"B" Years	"C" Years
E1	Director, Engineering Services	A	96,910	102,010	105,071	107,111
E1	Director, Field Services	A	100,410	105,695	108,866	110,980
E1	Director, Property and Equip Services	A	97,330	102,452	105,526	107,575
C03350E1	Director, Inspections	A	100,830	106,137	109,321	111,444
E1	Director, Trans and Parking Services	A	97,330	102,452	105,526	107,575
C03540E1	Director, Water Works	A	100,830	106,137	109,321	111,444

Adopted. Yeas, 10; Nays, 1 as follows:

Yeas - Colvin Roy, Zimmermann, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Lane, Johnson, Ostrow.

Nays - Goodman.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Republished February 7, 2003)

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Dorothy Bridges from the decision of the Planning Commission denying an application for variance to increase the maximum allowable size of a projecting sign area from 16 square feet to approximately 30 square feet, and in lieu thereof, approving a variance from 16 square feet to 25 square feet for the Franklin Bank at 525 Washington Ave N (BZZ-916), and having conducted a public hearing thereon, now recommends that said appeal be granted, subject to the following conditions:

a. that the sign shall not be made of backlit plastic panels, but shall use an alternative sign face material and method of lighting; and

b. That the applicant continue to work with City staff on a sign of exceptional design.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee recommends concurrence in the recommendation of the Planning Commission granting the petition of Aftercare, Inc (BZZ-878) to rezone the property at 3045-47 - 5th

Ave S from R2B to the R4 District to permit a community residential facility serving up to 20 people, and adopting the related findings prepared by the Planning Department.

Your Committee further recommends passage and summary publication of the accompanying ordinance amending the Zoning Code.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-197, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3045-47 - 5th Ave S to the R4 District was passed December 30, 2002 by the City Council and approved January 2, 2003 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2002-Or-197

By Schiff

1st & 2nd Readings: 12/30/2002

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lots 8 and 9, Block 1, Hastings Second Addition (3045-47 - 5th Ave S - Plate 25) to the R4 District.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee recommends concurrence in the recommendation of the Planning Commission granting the petition of Central Community Housing Trust (BZZ-833) to rezone the property at 620 - 10th Ave S from I1 to the OR3 District and removing the ILOD classification to permit a supportive housing facility serving 39 persons and 13 units of affordable housing, and adopting the related findings prepared by the Planning Department.

Your Committee further recommends passage and summary publication of the accompanying ordinance amending the Zoning Code.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-198, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 620 - 10th Ave S to the OR3 District was passed December 30, 2002 by the City Council and approved January 2, 2003 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2002-Or-198
By Schiff
1st & 2nd Readings: 12/30/2002

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lots 1, Block 1, Tenth Avenue Addition, according to the recorded plat thereof and situate in Hennepin County, MN (620 - 10th Ave S - Plate 20) to the OR3 District.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the Focus Minneapolis initiative to strengthen planning and community development in the City of Minneapolis, now recommends that Planning Department staff be directed to set up a staff team, to include representatives from the Departments of Public Works, Regulatory Services, Planning, Police, Fire and the Neighborhood Revitalization Program, to examine and report back on City service district boundaries.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

MOTIONS

Zimmermann, Chair of the Claims Committee, moved concurrence in the reports received from the Finance Department (Petr No 268474.1) recommending payment of workers' compensation to various employees and to the State Fund, and for payment of bills and professional services rendered claimants or employees injured on the job. Seconded.

Adopted. Yeas, 11; Nays none.

Absent - Schiff.

Passed December 30, 2002.

Approved January 2, 2003. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Niziolek introduced the subject matter of an Ordinance amending Title 6, Chapter 128 of the Minneapolis Code of Ordinances relating to *Civil Defense and Disaster Relief: Civil Defense*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (To designate the Chief of the Minneapolis Fire Department as the person in the City responsible for emergency preparedness management, including the development and implementation of emergency preparedness plans, management of all civil defense activities in the City, and management of all responses to large-scale emergencies in the City).

Niziolek introduced the subject matter of an Ordinance amending Title 9, Chapter 173, of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Fire*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Adding Subdivision

173.20(c) stating that the Chief of the Fire Department shall also be responsible for all of the duties and responsibilities contained in Chapter 128, as amended from time to time).

NEW BUSINESS

Niziolek introduced an Ordinance amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Dogs and Cats*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Housekeeping amendment to correct time limit for a hearing to be held when requested by owner).

UNFINISHED BUSINESS

Lilligren moved that when this Council adjourns, it adjourns to Tuesday, December 31, 2002, for the purpose of canvassing the Primary Election returns for Third Ward Council Member held December 30, 2002, and to consider any other issues that may be necessary at that time, and that such meeting be and is hereby declared to be an adjourned session of the regular meeting of December 30, 2002. Seconded.

Adopted. Yeas, 13; Nays none.

Adjourned.

Merry Keefe,
City Clerk.

Created 12/31/2002;
Modified 01/07/2003;
Corrected 02/21/2003;
03/28/2003;